

Wednesday, November 5, 2014, 7:00 p.m.

City Council Chambers, 333 Civic Center Plaza

Web Site: www.ci.tracy.ca.us

Americans With Disabilities Act - The City of Tracy complies with the Americans with Disabilities Act and makes all reasonable accommodations for the disabled to participate in Council meetings. Persons requiring assistance or auxiliary aids should call City Hall (209/831-6000) 24 hours prior to the meeting.

Addressing the Council on Items on the Agenda - The Brown Act provides that every regular Council meeting shall provide an opportunity for the public to address the Council on any item within its jurisdiction before or during the Council's consideration of the item, provided no action shall be taken on any item not on the agenda. Each citizen will be allowed a maximum of five minutes for input or testimony. At the Mayor's discretion, additional time may be granted. The City Clerk shall be the timekeeper.

Consent Calendar - All items listed on the Consent Calendar are considered routine and/or consistent with previous Council direction. A motion and roll call vote may enact the entire Consent Calendar. No separate discussion of Consent Calendar items will occur unless members of the City Council, City staff or the public request discussion on a specific item at the beginning of the meeting.

Addressing the Council on Items not on the Agenda – The Brown Act prohibits discussion or action on items not on the posted agenda. Members of the public addressing the Council should state their names and addresses for the record, and for contact information. The City Council's Procedures for the Conduct of Public Meetings provide that "Items from the Audience" following the Consent Calendar will be limited to 15 minutes. "Items from the Audience" listed near the end of the agenda will not have a maximum time limit. Each member of the public will be allowed a maximum of five minutes for public input or testimony. However, a maximum time limit of less than five minutes for public input or testimony may be set for "Items from the Audience" depending upon the number of members of the public wishing to provide public input or testimony. The five minute maximum time limit for each member of the public applies to all "Items from the Audience." Any item not on the agenda, brought up by a member of the public shall automatically be referred to staff. In accordance with Council policy, if staff is not able to resolve the matter satisfactorily, the member of the public may request a Council Member to sponsor the item for discussion at a future meeting. When members of the public address the Council, they should be as specific as possible about their concerns. If several members of the public comment on the same issue an effort should be made to avoid repetition of views already expressed.

Presentations to Council - Persons who wish to make presentations which may exceed the time limits are encouraged to submit comments in writing at the earliest possible time to ensure distribution to Council and other interested parties. Requests for letters to be read into the record will be granted only upon approval of the majority of the Council. Power Point (or similar) presentations need to be provided to the City Clerk's office at least 24 hours prior to the meeting. All presentations must comply with the applicable time limits. Prior to the presentation, a hard copy of the Power Point (or similar) presentation will be provided to the City Clerk's office for inclusion in the record of the meeting and copies shall be provided to the Council. Failure to comply will result in the presentation being rejected. Any materials distributed, including those distributed within 72 hours of a regular City Council meeting, to a majority of the Council regarding an item on the agenda shall be made available for public inspection at the City Clerk's office (address above) during regular business hours.

Notice - A 90 day limit is set by law for filing challenges in the Superior Court to certain City administrative decisions and orders when those decisions or orders require: (1) a hearing by law, (2) the receipt of evidence, and (3) the exercise of discretion. The 90 day limit begins on the date the decision is final (Code of Civil Procedure Section 1094.6). Further, if you challenge a City Council action in court, you may be limited, by California law, including but not limited to Government Code Section 65009, to raising only those issues you or someone else raised during the public hearing, or raised in written correspondence delivered to the City Council prior to or at the public hearing.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

PRESENTATIONS – Employee of the Month

Proclamations – National Homeless Youth Awareness and Runaway Prevention Month

- Pancreatic Cancer Awareness Month

- D.A.R.E Graduates

1. CONSENT CALENDAR

A. Approval of Minutes

B. Approve Resolution Authorizing a Leave of Absence for Tracy Transportation Advisory Commissioner Alvin Vaughn

C. Authorize Amendment of the City's Classification Plan by Approving Revisions to the Classification Specification for Communications Unit Supervisor

D. Award a Construction Contract to Teichert Construction of Stockton, California, for Reconstruction of Tracy Municipal Airport Runways 12-30 and 8-26, and Reconstruction of Taxiways A, B, D, and E, Including Runway/Taxiway Intersections Schedule A and Schedule B, Project CIP 77037, AIP No. 3-06-0259-16, Approve Task Order No. 4 With Reinard Brandley, Airport Consulting Services, Authorize an Appropriation of Funds and Authorize the Mayor to Execute the Task Order and Contract

2. ITEMS FROM THE AUDIENCE

3. PUBLIC HEARING TO ADOPT THE FINANCE PLAN UPDATE FOR THE I-205 SPECIFIC PLAN PARCEL GL-27

4. PUBLIC HEARING TO ADOPT THE FINANCE PLAN UPDATE FOR THE I-205 SPECIFIC PLAN PARCELS GL-3A AND GL-3B ALSO REFERRED TO AS THE "NORTH PARCEL"

5. RECEIVE STATUS REPORT ON THE (1) NEGOTIATIONS WITH WILD RIVERS, (2) PINKIE PHILLIPS AQUATICS CENTER TRANSITION PLAN, AND (3) JOE WILSON POOL RECONSTRUCTION SCHEDULE AND PROVIDE STAFF DIRECTION ON NEXT STEPS

6. ITEMS FROM THE AUDIENCE

7. COUNCIL ITEMS

8. ADJOURNMENT

August 19, 2014, 7:00 p.m.

City Council Chambers, 333 Civic Center Plaza

Web Site: www.ci.tracy.ca.us

Mayor Ives called the meeting to order at 7:00 p.m., and led the Pledge of Allegiance.

The invocation was provided by Pastor Tim Heinrich, Crossroads Baptist Church.

Roll call found Council Members Manne, Rickman, Young, Mayor Pro Tem Maciel, and Mayor Ives present.

Maria Hurtado, Interim City Manager, presented the Employee of the Month Awards for July 2014, to Thomas Baldochi, Fire Department, and for August 2014, to Bill Cathey, Public Works Department.

Mayor Ives and Interim Police Chief Jeremy Watney presented a Certificate of Recognition to Daniel Romas for risking his own health and well-being to assist in removing an unresponsive driver from his vehicle following an accident in Tracy on June 18, 2014.

Mayor Ives and Fire Chief Nero administered the Oath of Office to Jared Bryant who was promoted to Engineer and Scott Byers and Larry Vickers who were promoted to Captain.

1. CONSENT CALENDAR – Following the removal of Item 1.D by Council Member Young it was moved by Mayor Pro Tem Maciel and seconded by Council Member Rickman to adopt the consent calendar. Roll call vote found all in favor; passed and so ordered.
 - A. Approval of Minutes – Regular meeting minutes of May 6, 2014, closed session minutes of June 17, 2014, July 18, 2014, July 19, 2014, and August 5, 2014, and special meeting minutes of July 1, 2014, and August 5, 2014, were approved.
 - B. Authorize the Appointment of Four Youth Commissioners to the Youth Advisory Commission – Resolution 2014-118 authorized the appointments.
 - C. Approval of Out-of-State Travel Request for Interim City Manager Maria Hurtado to Attend the International City/County Management Association (ICMA) Annual Conference on September 14-17, 2014 in Charlotte, North Carolina – Resolution 2014-119 approved the request.
 - E. Approval of a Four Year General Services Agreement With Stockton Petroleum Company, Inc. for Gasoline and Diesel Fuel Supply Services and Authorization for the Mayor to Execute the Agreement – Resolution 2014-120 approved the agreement.
 - F. Find it is in the Best Interest of the City to Forego the Formal Request for Proposal Process and Authorize an Amendment to Increase the Not to Exceed Contract Amount by \$100,000 for the Professional Services Agreement With XL Landscape Development for Temporary Landscape Maintenance of Street Medians, Streetscapes, Parks, and Channelways Maintenance Until a Long Term

Contract is Executed and Authorize the Mayor to Sign the Amendment – Resolution 2014-121 approved the increase to the contract amount.

- G. Approve the Purchase of Geographic Information System (GIS) Software Licenses Through the Environmental Systems Research Institute, Inc. (ESRI) Small Government Enterprise Licensing Agreement and Authorize the Mayor to Sign the Agreement – Resolution 2014-122 approved the purchase.
- H. Authorization to Amend Section B, Roles and Responsibilities, of the Measure E Residents' Oversight Committee Bylaws to Change the Date of the Annual Written Report Presentation to Council from June to August – Resolution 2014-123 authorized the amendment.
- I. Authorize Amendment of the Position Control Roster by Approving the Reclassification and Reallocation of a Recreation Program Coordinator II to the Position of Recreation Services Supervisor – Resolution 2014-124 authorized the amendment.
- J. Authorize Amendment of the City's Classification Plan and Position Control Roster by Approving the New Classification of Division Manager I/ Division Manager II; and Reallocation of the Senior Human Resources Analyst in the Administrative Services Department, Human Resources Division; and the Recreation Services Program Manager in the City Manager's Office, Recreation and Cultural Arts Division; to Division Manager II, and Reclassification of Incumbents – Resolution 2014-125 authorized the amendment.
- K. The City Council of the City of Tracy Acting as the Governing Body of the Successor Agency for the Community Development Agency of the City of Tracy Approving the Recognized Obligation Payment Schedule (ROPS) – Resolution 2014-126 approved the ROPS.
- L. That Council, by Resolution, Transfer \$500,000 from the Schulte Road Property Acquisition CIP 79367, to the Residential Specific Plan (RSP) Economic Development Fund and Adopt a Resolution Authorizing the City Manager to Sign Task Orders With Various Consultants for Work Related to Environmental and or Other Entitlement Work Where the Entitlement Process is Either City- Initiated or Related to City-Owned Property in Order to Streamline our Processes and be Prepared to Respond Quickly to Job Generating Economic Development Opportunities – Resolution 2014-127 approved the transfer and authorization.
- M. Approval of Permits for the Consumption of Alcoholic Beverages on City Streets for the Chamber of Commerce "Taste of the Valley Art And Food Festival" on September 6 & 7, 2014 – Resolution 2014-128 approved the permits.
- D. Acceptance of the Valpico Road Sidewalk Improvement Project – CIP 73133, Completed by Dunton Construction of Anderson, California, and Authorization for the City Clerk to File the Notice of Completion – Council Member Young stated she had pulled the item for information. Victoria Dion, City Engineer, presented the staff report. On December 17, 2013, the Council awarded a construction contract in the amount of \$115,501.50 to Dunton Construction of Anderson, California, for construction of the Valpico Road Sidewalk Improvement Project.

The scope of work involved installation of approximately 3,409 square feet of new sidewalk and the removal of plants, trees, barricades, and lawns. The new sidewalk connects to existing sidewalks on both ends of the project and will comply with the Americans with Disabilities Act (ADA).

One change order was issued in the amount of \$11,425.43, which included installation of an 18" storm drain pipe, installation of additional signs and paving existing drives to comply with ADA requirements. The project construction contract unit prices are based on estimated engineering quantities. Actual payment is based on field measured quantities installed by the contractor. According to the City's inspection records, actual field measurement quantities exceeded the contract quantities in the amount of \$10,192.50. These quantities were paid in accordance with the bid unit prices of the contract and are listed as over run quantities.

Estimated budget and project costs are as follows:

A. Construction Contract Amount	\$115,501.50
B. Change Orders	\$ 11,425.43
C. Over Run of Quantities	\$ 10,192.50
D. Design, Construction Management, Inspection, Testing & Miscellaneous Expenses	\$ 13,496.00
E. Project Management Charges	\$ 9,140.00
Total Project Costs	\$ 159,755.43
Budgeted Amount	\$ 170,000.00

The project has been completed within the available budget, on schedule, per plans, specifications, and City of Tracy standards.

Council Member Young stated it was good to see different projects completed.

Ken Silver, 435 West Lowell, asked if anything was being done on the north side where there is a vacant field.

Kul Sharma, Director of Utilities, stated the sidewalk on the north side will be completed either when development occurs or when MacArthur is widened from the west.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Rickman to adopt Resolution 2014-129, Accepting the Valpico Road Sidewalk Improvement Project, CIP 73133, Completed by Dunton Construction of Anderson, California, and Authorizing the City Clerk to File the Notice of Completion. Voice vote found all in favor; passed and so ordered.

- ITEMS FROM THE AUDIENCE – Mollie Lowe, 2590 Atherton Court, commented on a proposal by Tracy Unified School District to buy out the City's MOU with West High School related to pool access, and asked how the City would meet the needs of the swimmers. Ms. Lowe requested an agenda item to discuss the issue.

A representative from the Tracy Camera Club and a representative from the Tracy Friends of the Library invited the public to participate in a "For the Love of Reading Photography Contest," which runs from September 6 – 25, 2014. The public was also invited to attend a discussion and awards ceremony with Robert Dawson at the Tracy Library on September 13, 2014.

Steve Nicolaou, 1068 Atherton Court, commented on TUSD's proposal to buy out the City's MOU with West High School related to pool access and suggested a number of options for the City to consider.

3. THAT COUNCIL CONDUCT A PUBLIC HEARING DECLARING THE EXISTENCE OF WEEDS, RUBBISH, REFUSE AND FLAMMABLE MATERIAL ON EACH OF THE PARCELS LISTED IN EXHIBIT "A" TO THIS AGENDA ITEM A NUISANCE; CONSIDER OBJECTIONS TO ABATEMENT OF SAID NUISANCE, AND ADOPT A RESOLUTION AUTHORIZING FIRE DEPARTMENT STAFF TO ORDER CONTRACTOR TO ABATE SAID NUISANCES – Dave Bramell, Division Chief, presented the staff report. The Fire Department performs inspections on its own, and after complaints are received from residents regarding the existence of weeds, rubbish, refuse and flammable material on residential and commercial parcels. Abatement notices are sent to the owners of parcels deemed by Fire Department staff to be a public nuisance and dangerous to the public health and safety. The notice states the time and date the Public Hearing will be held to address any and all objections to the proposed abatement and, as necessary, authorize Fire Department staff to direct the City's contractor to abate parcels Council finds to be a nuisance.

On June 26, 2014, July 10, 2014, July 21, 2014 and July 24, 2014, pursuant to Tracy Municipal Code, Section 4.12.280, the Fire Department sent a notice to the property owner(s) listed in Exhibit "A" to the staff report. That notice required the said owner to abate weeds, rubbish, refuse and flammable material on his/her parcel within twenty days, and informed the property owner(s) that a Public Hearing would be conducted on August 19, 2014, where any protests regarding the notice to abate would be heard. The Tracy Municipal Code provides that upon failure of the owner, or authorized agent, to abate within 20 days from the date of notice, the City will perform the necessary work by private contractor and the cost of such work will be made a personal obligation of the owner, or become a tax lien against the property.

Under the provisions of Tracy Municipal Code, Section 4.12.290, the Fire Department will proceed at Council's direction to instruct the City's contractor to perform weed, rubbish, refuse and flammable material abatement on the parcels listed in Exhibit "A" to the staff report. Per the Tracy Municipal Code, property owners are liable for the cost of abatement and will be billed for the actual cost of the City contractor's services, plus a twenty-five percent administrative charge. All unpaid assessments will be filed with the San Joaquin County Auditor Controller's office to establish a lien on the property.

Since there is \$12,100 budgeted for Fiscal Year 2014-2015, Grounds and Maintenance account, there are sufficient funds at this time to accomplish abatement services.

Mayor Ives opened the public hearing. Since there was no one wishing to address the Council the public hearing was closed.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Rickman to adopt Resolution 2014-130, Declaring the existence of weeds, rubbish, refuse and flammable material on the parcels listed in Exhibit "A" a nuisance and authorizing the Fire Department staff to order contractor to abate. Voice vote found all in favor; passed and so ordered.

4. PUBLIC HEARING TO CONSIDER IMPLEMENTATION OF PHASE II WATER RESTRICTIONS – Stephanie Reyna Hiestand, Water Resources Analyst, presented the staff report. In response to the ongoing severe drought, the State Water Resources Control Board enacted emergency regulations to ensure increased water conservation in urban settings, primarily through reduction in outdoor urban water use. The regulations are to help implement the Governor's requested goal of a 20% reduction. For the year, Tracy has achieved a 13% reduction; however the community achieved a 25% water reduction for the month of July.

Based upon the above numbers, the City's water conservation efforts are working effectively. This past spring, the City engaged the community through educational utility bill inserts and conservation advertisements in local movie theaters, and by tracking and responding to questions, inquiries and complaints through the City's Government Outreach program and mobile app. The City has strategically reduced watering in local parks and landscaped medians, and implemented water patrol resources.

Water conservation concerns and/or complaints are referred to the City's Water Patrol or Water Conservation Coordinator. Staff will investigate the issue and provide customers with educational materials about conservation and ways to manage/ monitor water usage. Should the customer refuse to comply, a letter would be issued encouraging compliance to avoid penalties. If the problem continues, a citation in accordance with City's Municipal Code could be issued. Fines would range from \$100 for a first violation to \$500 for a third violation, and up to \$500 for a first violation if imposed by a State agency. However, staff's past practice is to defer to education and outreach before taking punitive action to achieve water conservation goals.

Phase II water restrictions include the following:

No flagrant water waste or excessive runoff of water at any time.

Proper maintenance of all plumbing and irrigation systems.

Use of a hose with a self-closing "trigger" handle for all outdoor uses.

Washing of non-commercial sidewalks, driveways, porches, or other outdoor surfaces is prohibited.

Washing of commercial sidewalks, driveways, parking lots or other outdoor surfaces is prohibited (by State regulation).

Car washing is allowed only with the use of a self-closing "trigger" spray nozzle.

Landscapes may be irrigated:

- At any time provided that the person irrigating the landscape is present outdoors and remains in full control of the water usage.
- Unattended between the hours of 7:00 p.m. through 9:00 a.m. (May 1 through September 30)
- Unattended between 4:00 p.m. through 10:00 a.m. (October 1 through April 30)

These restrictions will continue until the drought is alleviated. In the event the drought continues, additional water conservation may be required.

There is no fiscal impact to the City's General Fund. Decreased water usage will result in decreased revenue to the Water Fund. Monthly revenue from utility billing, along with the Water Fund Balance, will be monitored to ensure prudent fiscal management.

In response to a question from Council Member Rickman, regarding the City's water supply, Kul Sharma, Director of Utilities, stated the City has nine wells, water from SSJID and surface water which provide sufficient water for the existing city as well as new development. Council Member Rickman asked how long the water would last. Mr. Sharma responded whenever a new project is developed the City ensures the project either brings a water source with it, or staff looks to other entities to provide water.

Mayor Ives opened the public hearing. Since there was no one wishing to address the Council the public hearing was closed.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Young to adopt Resolution 2014-131, Authorizing the Implementation of Phase II Water Restrictions. Voice vote found all in favor; passed and so ordered.

5. APPROVAL OF AN EMPLOYMENT AGREEMENT WITH TROY BROWN FOR THE POSITION OF CITY MANAGER – Dan Sodergren, City Attorney, presented the staff report. The recruiting firm of Peckham & McKenney was retained to conduct a recruitment and selection process for the City Manager position. After an extensive search and recruitment effort, Troy Brown was selected as the preferred candidate from a pool of 42 candidates to be Tracy's new City Manager.

Currently, Mr. Brown is the Assistant City Manager in Livermore, CA. His previous employment included Assistant to the City Manager in Elk Grove, CA, and Assistant to the City Manager in the City of Riverside, CA. Mr. Brown has over 20 years of municipal experience and holds a Master of Public Administration from California State University in San Bernardino, CA and a Bachelor of Political Science from Northridge, CA. He is currently the West Coast Regional Vice President of the International City/County Management Association (ICMA).

Proposed employment terms between the City and Mr. Brown are set forth in the employment agreement. The agreement specifies an annual salary of \$205,000. Mr. Brown will begin his duties at the City of Tracy on Tuesday, September 2, 2014. He will become Tracy's ninth City Manager since 1954, when voters approved the CityCouncil/CityManager form of government.

Pastor Kal Waetzig, St. Paul's Church, and Steve Nicolaou, 1068 Atherton Court, joined the City Council in welcoming Mr. Brown to the City.

Steven Kiefer, Economic Development Director, Livermore congratulated the City Council on the selection of Troy Brown, as the City Manager.

Council Member Young complimented Maria Hurtado, Jenny Haruyama and Gary Hampton for the excellent work they did during the recruitment process as Interim City Manager and Interim Assistant City Managers.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Manne to adopt Resolution 2014-132, Approving the Employment Agreement as amended between the City of Tracy and Troy Brown for the position of City Manager. Voice vote found all in favor; passed and so ordered.

Mr. Brown introduced himself to the community and thanked staff for the warm welcome. Mr. Brown also offered special thanks to his wife and children.

Mayor Ives recessed the meeting at 8:04 p.m. The meeting was reconvened at 8:13 p.m.

6. RECEIVE A REPORT ON A POTENTIAL CITY/SAN JOAQUIN COUNTY PARTNERSHIP FOR THE DEVELOPMENT OF A SOUTH COUNTY REGIONAL PARK AND PROVIDE STAFF DIRECTION WHETHER OR NOT TO PROCEED WITH NEGOTIATIONS WITH SAN JOAQUIN COUNTY – Kul Sharma, Director, Utility Department, presented the staff report. Mayor Ives welcomed Bob Elliott, Chairman of the San Joaquin County Board of Supervisors.

On November 9, 2010, the County of San Joaquin expressed interest in purchasing 105 acres at the northeast portion of City-owned property located at Holly Sugar, with the future goal of developing a County park. On December 14, 2010 the County of San Joaquin Board of Supervisors approved the purchase of the property. The City Council subsequently approved the sale of the land to the County on December 21, 2010. The purchase was completed on March 31, 2011, at a cost of \$662,470.

During the County's June 25, 2013 budget hearing, the Board of Supervisors discussed future growth in the South County area and options to provide regional park services through collaborative efforts. Last year, the City expressed interest to the County regarding swapping City-owned property adjacent to the Legacy Sports Complex for the County-owned parcel, and exploring a shared investment of resources to develop a regional park. The land swap would involve the County trading 105 acres for similar acreage adjacent to the Legacy Sports Complex. The opportunity to establish a regional park in this area would provide contiguous park facilities north of Larch Road, between Tracy Boulevard and Corral Hollow Road, and expand park services for both City and County residents. While the cost of ongoing maintenance still has not been determined, a previous idea suggested by the City involved the County developing the park and the City assuming all annual park maintenance expenses.

County staff indicated that it must obtain approval from the California Department of Parks and Recreation, Office of Grants and Local Services, and Federal National Park Service before entering into a land swap agreement with the City. The approval process requires several action items, including but not limited to:

- Conducting an appraisal of both properties that meets Uniform Appraisal Standards for Federal Land Acquisitions;
- Providing a Willing Seller letter from the City;
- Developing a Parcel Map, Legal Description and Conceptual Site Plan with a description of the public input process used to select the park site; and
- Ensuring the completion of required contamination analyses, environmental clearance in accordance with CEQA, Section 106 compliance evaluation and clear title research.

Staff requested Council direction on whether to begin negotiations with the County for the land swap, and if appropriate, the potential development and future maintenance of a South County Regional Park. As part of its FY 2014/15 budget development process, the County has allocated \$160,000 to develop a conceptual design and initial cost estimates, including land-related fees and environmental reviews for the South County Park.

Mr. Sharma concluded by recommending that Council direct staff to proceed with negotiations and provide a status report to Council regarding initial costs associated with the land swap and future park maintenance.

Mayor Ives invited public comment.

Ken Silver, 435 West Lowell, stated he had been promised a disc golf course would be included in the plans for the park when it was first proposed, and built in the second phase of the project. Mr. Silver stated his goal is to bring a state of the art disc golf course to Tracy.

Mary Souza Mitracos, 363 W. Eaton Avenue, District 5 Representative to the San Joaquin County Parks and Recreation Commission stated the Commission has been working on getting a South County Regional Park for some time. Ms. Mitracos stated this was an exciting project since the County's two regional parks, Mickey Grove and Oak Grove, are situated in the far north of San Joaquin County. Ms. Mitracos stated Mickey Grove and Oak Grove Regional Parks have disc golf courses, and suggested it should not be a problem to include a disc golf course in the 100 acres.

Council Member Young asked what the land had been reserved for previously. Maria Hurtado, Interim City Manager, stated the County does not have a park concept plan at this time. If the Council is interested in the potential partnership between the City and the County to explore the development of a South County Regional Park the Council should direct staff to continue negotiations with the County. Staff will then get more detail on the requirements and bring key negotiation points back to Council. After that community input would be solicited with regard to what form the park should take and what uses would be incorporated.

In response to a question from Council Member Manne regarding the Spirit of California, Ms. Hurtado stated the City no longer has an exclusive negotiating rights agreement with Spirit of California and there are no ongoing negotiations.

Mayor Ives stated the 103 acre property belongs to the County and the onus on development is with the County, but because it is close to the City it provides the opportunity for a joint use project.

Mayor Pro Tem Maciel thanked Supervisor Elliot and former Supervisor Ornellos for their work on this project and added he hoped the details could be worked out in favor of both parties.

Mayor Pro Tem Maciel motioned to accept the report and directed staff to proceed with negotiations with San Joaquin County, to pursue a land swap to potentially develop a regional park and to provide a status report in November 2014 regarding initial costs

associated with the land swap and future park maintenance. Council Member Manne seconded the motion. Voice vote found all in favor; passed and so ordered.

7. ACCEPT ANNUAL REPORT OF THE MEASURE E RESIDENTS' OVERSIGHT COMMITTEE – Ann Bell, Management Analyst II, Administrative Services Department, offered a brief introduction stating the role of the Measure E Committee is to review Measure E and to present an annual report. Ms. Bell introduced Michel Bazinet, Chairperson, Measure E Committee, who presented the report.

Mr. Bazinet used a power point in his presentation which included an overview of the Roles and Responsibilities of the Committee, the activities conducted during the prior year and the current year, FY 2012/13 actuals and four year forecast with and without Measure E revenues, and the City's Income Statement. Mr. Bazinet commented on the continuing structural deficit, including the current City forecast and the cost containment measures which have been initiated. Mr. Bazinet stated the projected fiscal outlook, excluding Measure E, projects a \$6.4m increase in expenditures in FY 2015.

The Committee's conclusions include projected revenues of \$54.7m and expenditures of \$50m resulting in a projected surplus of \$4.7m for this fiscal year. The City is also projecting a structural General Fund deficit of \$4.10m in FY 2016/17 and in subsequent years after the expiration of Measure E. Mr. Bazinet added the Tracy electorate voted for Measure E sales tax increase based on stipulations it expires in 2016 and the City had no intentions of renewing it. The Committee's recommendations included reserving General Fund surplus in a special fund and using the special fund to finance one-time operating or capital projects that reduce the General Fund expenditures. However, Measure E surplus should not be used to fund ongoing operations or to shore up General Fund reserves. Supplemental income statements and forecasts showing results excluding Measure E sales tax revenues should be prepared, and financial documents highlighting progress the City is making towards alignment of General Fund expenditures and non-Measure E revenues should be restated. Finally, the Committee is concerned that the City is not on a path to close projected structural General Fund budget deficits by 2016 when Measure E expires; the Committee strongly recommends that the City Council and staff continue to explore additional cost reduction and revenue enhancement strategies to align General Fund revenue and expenditure levels in anticipation of the expiration of Measure E; and the City should explore opportunities to diversify revenue sources to include event based revenues such as those generated by local, regional and national sports league competitions and events.

Mr. Bazinet concluded by stating the City has a high dependency on sales and property tax and diversifying into events which generate tax revenues would be good for the City.

Mayor Ives invited public comment.

Robert Tanner, 1371 Rusher Street, questioned why there was \$1.5 m forecast in Measure E tax revenue in 2017. Mr. Tanner also suggested an increase in expenses in 2015 was probably due to labor contracts becoming due in fiscal year 2015/16, and CALPERS. Jenny Haruyama, Interim Assistant City Manager, stated the increase in budget year 2014/15 is related to development expenses not labor negotiation expenses, and all development expenses have an offsetting revenue.

Ms. Haruyama stated Measure E expires on March 30, 2016, so there will be a full month of revenue coming in. The revenue projections were provided by Muni Services, and there is always an adjustment to be made in the subsequent year. There is a complex methodology used to come up with the numbers, so the \$1m will change either up or down in the coming quarters.

Steve Nicolaou, 1038 Atherton Court, stated the City needs to be aware that CALPERS Pension and Health Benefits Committee approved 99 additional items, which will bring added costs to the City in the future in the form of increased pensions if CALPERS approves those additional "spike" items.

Mr. Nicolaou stated if the drought continues through next year that also would be an additional expense for the City.

Ms. Haruyama stated the City does actuarial updates which take into consideration what the impact will be to the City's unfunded liabilities. These impacts will be considered as staff moves forward with the City's budget. The City will have to monitor water issues year by year, but if there are concerns with water costs infringing onto the General Fund staff will come back to the Council with a report.

Kul Sharma, Director, Utilities, stated the City has enough water under existing contracts through next year. If the drought goes beyond a couple more years it could be a problem.

David Helm asked why the city was spending more money than it takes in. Ms. Haruyama stated the adopted budget is a balanced budget. Revenues are coming in slightly lower, expenditures are higher. However, the expenditures are development expenses which have offsetting revenues which makes them cost neutral. Also, additional expenses have been adopted, but the budget is balanced. Ms. Haruyama admitted there is a lack of clarity on this and offered to meet with Mr. Helm to explain.

Dave Helm stated he thought the City had retained a new auditor and inquired how Moss Levy and Hartzheim had certified the budget. Ms. Haruyama stated this is the last year for the current auditor since they are under contract. The City will go out with an RFP for auditing services in 2015/16.

Ann Bell, Management Analyst II, Administrative Services Department, stated the letter from the auditor is based on the fiscal year 2012/13 review and data. The City hasn't yet closed out fiscal year 2013/14.

Council Member Young asked when Council would discuss the recommendations included in the Measure E report. Ms. Haruyama stated staff works with the Measure E Committee and takes the recommendations as suggestions. If some of the suggestions seem fruitful, staff will incorporate them as recommendations into the budget development process.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Rickman to accept the report for the Measure E Residents Oversight Committee. Voice vote found all in favor; passed and so ordered.

Mayor Ives thanked the Measure E Committee members for the time they had devoted to putting together the annual report.

8. ACCEPT STATUS REPORT ON THE YOUTH SPORTS LEAGUES LEGACY FIELDS PROJECT, PROVIDE DIRECTION ON POSSIBLE CITY ASSISTANCE TO THE LEAGUES, AND AUTHORIZE TERMINATION OF THE LEASE WITH THE TRACY FUTBOL CLUB – Brian MacDonald, Management Analyst II, presented the staff report and used a power point in his presentation. On August 7, 2012 and September 4, 2012, the City Council approved Property Development and Lease Agreements with Tracy Little League (TLL), Tracy Babe Ruth (TBR), Tracy Youth Soccer League (TYSL), and Tracy Futbol Club (TFC). As part of this agreement, the City agreed to make several infrastructure improvements, including the design of the entire site, creation of comprehensive specifications, infrastructure construction, and grading.

On December 17, 2013, the Council accepted the completed infrastructure project for a total General Fund commitment of \$11,329,870. By accepting the infrastructure project, the leagues had access to the site and could begin constructing the fields. Per the lease agreement, the leagues have until December 2018 to construct the fields to a minimal standard “suitable” for league play; however, the fields must be constructed to City standards and specifications by December 2028. The leagues could maintain the fields at the minimum standard between 2018-2028, until they raise enough funds to complete the fields to the required standards. Once built, the leagues would have 12 baseball fields and eight soccer fields.

Recently staff has been communicating with the leagues and discussing current lease requirements and options to help facilitate the development of the fields. To date, one of the four leagues is ready to begin construction.

Two lease requirements are due or past due. The annual lease payments were due to the City in January 2014. To date, three of the four leagues have submitted their lease payments, with the exception of TFC who has communicated to staff that it has no intentions to pay the lease or to build the fields. After several conversations with TFC, staff sent a Notice to Cure Default on January 30, which provided TFC with 30 days to pay its lease obligation. Because the City has not received TFC’s lease payment, staff requested that Council authorize the termination of the TFC agreement. This will allow other leagues who have expressed an interest in building fields to begin discussions with the City for the current TFC designated area.

A second requirement is for the leagues to provide the City with a phased development plan which outlines the elements of the fields that will be built, provides the timeline they anticipate it will take to build the fields, and delineates the amount of money the leagues have raised for construction of the fields. To date, the TLL is the only league that has submitted a phased development plan and is attempting to move forward with construction within the funding and in-kind services it has secured.

Staff met with TLL, TBR, and TYSL to discuss their progress on the development of fields and identify any barriers to such development. So far, staff has provided information on licensing, permitting, and construction requirements.

Tracy Little League: As previously mentioned, TLL is moving forward with construction and is currently working with Odyssey Landscaping to provide various services for the

project. TLL plans to build five fields by April 1, 2015, with its current available funding and with assistance from parent volunteers and local businesses.

Tracy Babe Ruth: TBR is also working with Odyssey Landscaping and is preparing a phased development plan for submittal to the City. TBR plans to construct two fields before Spring 2015 with available funding and assistance from parent volunteers and local businesses.

Tracy Youth Soccer League: Currently, TYSL is not ready to submit a phased development plan or to build fields due to limited funding. TYSL is working with parents and local business to seek assistance for field construction.

Discussions have been held with the leagues regarding the City's "minimum" standards requirement in the short term (within five years) vs. the City's standards requirements which must be met in the long term (no later than 15 years from date of agreement). The leagues requested further clarification regarding the minimum standards requirement and any allowances that could be made, while still ensuring safe, playable fields.

Estimates show that to build the fields to City standards and specifications, it would cost the leagues approximately \$19.7 million and \$25 million if the City built the fields.

To date, Tracy Little League has confirmed that it will construct three of its seven fields; however, the remaining leagues are unable to move forward due to fundraising and limited technical support. Based on feedback from all of the participating leagues, staff identified three options for Council consideration that could facilitate the development and construction of Legacy Fields.

OPTION 1: - Marketing and Fundraising Support: As a part of a pilot program, the City would contract with a marketing and fundraising consultant who is experienced in assisting local non-profits market and raise funds for their programs. The City could offer this program to a limited number of local non-profits and invite the Legacy Fields non-profits to participate. The consultant could provide the leagues with the tools they need to identify alternative sources of funding, in-kind services, materials and financing opportunities. A one-time allocation of \$100,000 could be established while the pilot program is implemented. The pilot program could be re-evaluated when the initial funding allocation is depleted prior to re-allocating additional funds.

OPTION 2: - City Constructs On-Site Drainage and Irrigation: The City constructs the on-site drainage and irrigation infrastructure at a cost of \$5 million. Staff does not recommend this option because of the magnitude of the costs. In addition, this option would require the leagues to pay prevailing wages to anyone paid to work on their project, whether paid by the leagues or paid by somebody else (e.g. a landscape contractor who donates labor but pays that labor out of the landscape contractor's pocket), which will substantially increase the cost to the leagues.

OPTION 3: - City Constructs all fields to City's Standards and Specifications: The City may opt to construct all fields to the City's standards and specifications and invest an additional \$25 million for a total General Fund investment of \$36 million. Staff does not recommend this option because of the magnitude of the costs and currently unfunded priority General Fund projects.

Staff recommended that Council pursue Option 1. This option provides the Leagues with the maximum support to initiate their fundraising and marketing needs, while

allowing the Leagues time to build the fields based on their available resources and preferred timing.

Council Member Rickman asked if staff had spoken with all the leagues and if so, what was the biggest problem. Mr. MacDonald stated funding and draining issues. Staff is working with the design consultant to come up with less costly alternatives for the backstops. Costs for drainage are one of the more expensive costs, due to the high water table, but Mr. MacDonald suggested not cutting costs on drainage because it will cost more in the long run in turf and irrigation. Complete drainage costs will amount to \$5m over 15 years.

Maria Hurtado, Interim City Manager, stated staff has been working with the leagues to come up with alternatives to build to the maximum standard, because the leagues cannot afford the costs. Ms. Hurtado discussed cheaper alternatives to the backstops and the drainage issues which would still result in safe playing fields.

In response to a question from Council Member Rickman regarding how effective Option 1 would be, Ms. Hurtado stated it will include a conversation with the leagues regarding how much funding they need, but it is early in the process and each league is at a different stage in the process.

Council Member Rickman asked if the City has other funds which could be used. Andrew Malik, Director, Development Services, stated unrestricted funding sources include Cordes Ranch which will provide \$5m over a 4 year period, beginning in 2015, and Tracy Hills which is expected to generate approximately \$5m over a 2-3 year period.

Mayor Ives stated prevailing wage will be required no matter where the funds come from.

Mayor Pro Tem Maciel stated the project will cost \$3.1m for minimum standards and \$25m at full build out per City plans and specifications. In response to a question from Mayor Pro Tem Maciel regarding why the drainage costs are so high, Kul Sharma, Director, Utilities, explained the drainage issues on the site. Mr. Sharma added staff is trying to build to the minimum standards which will make the fields playable.

Mr. McDonald stated Tracy Little League will not put any of their players or spectators at risk.

Mayor Ives asked at a cost of \$109,000 per field how much of that amount is for drainage. Mr. Sharma replied 20% -25%. The cost includes irrigation which can meet the ultimate standards so it will not have to be replaced after 15 years.

Mayor Ives stated if the City does the drainage, prevailing wages must prevail. City Attorney, Dan Sodergren, explained that whenever a public subsidy is provided for a project on private property it triggers the prevailing wage.

Council Member Manne asked if in a public/private partnership a bond issue had ever been used to secure additional funding. Mr. McDonald stated if a special bond were issued it would be considered a City project and the City would have to raise \$25m to build the full facility. Council Member Manne asked if using synthetic turf would solve some of the drainage issues. Mr. Sharma stated synthetic turf would require more drainage and would be more expensive.

Mayor Pro Tem Maciel asked how much money was left over from the Legacy Fields CIP. Mr. Sharma responded \$200,000 to \$300,000. Mayor Pro Tem Maciel stated the City is limited in the role it can play because of prevailing wage being triggered, but suggested the City could help with establishing contacts for the leagues. Mr. Malik stated staff could help with contacts and retention visits. Ms. Hurtado stated staff could make a list of the top 10 sales generators and make it available to all non-profits.

Council Member Young asked for clarification on the drainage costs. Mr. Sharma gave an overview of the drainage costs. The \$5m includes prevailing wage and covers grading, irrigation and drainage for all 20 fields. If volunteer labor is used, the cost would be lower. In response to a question related to restrooms, Mr. Sharma stated the assumption is there will be porta potties.

Council Member Young asked what would be the time frame if Council selects Option 1. Mr. MacDonald stated Tracy Little League plans to have their fields playable by April 1, 2015. Regarding marketing assistance, the City would go through the RFP process and come back to Council to award a contract, so approximately two months.

Steve Nicolaou, 1068 Atherton Court, suggested alternative solutions which could be considered.

Ken Silver, 435 West Lowell, stated he did not see how the leagues could raise this kind of money since they have no revenue generating resources. Mr. Silver commented on the porta potty issue, and suggested that restrooms should be included in the short term rather than the long term.

Dave Helm asked how much money has been spent so far. Mayor Ives responded \$11.3m. In response to a question regarding where the irrigation water will come from, Mr. Sharma explained the source of the irrigation water. Mr. Helm stated he felt the \$100,000 included in Option 1 would be wasted.

Mayor Ives asked if TFC was still in existence. Mr. MacDonald responded the club is still in existence, but it has indicated the board will not approve any lease payments. Mayor Ives asked if the 2018 date could be extended. Bill Sartor, Assistant City Attorney, stated the rationale for the time frames was so that if a league wasn't able to perform there might be new interests ready that weren't ready at the initial phase. In response to a question from Mayor Ives, Mr. Sartor responded the City can always extend the lease agreements.

Council Member Rickman stated he didn't see prevailing wage as an impediment and he would like to see the fields built as soon as possible. Council Member Rickman added he would like to see Tracy as a destination for regional sports and believed that could happen with Legacy Fields.

Council Member Young queried the cost of \$25m for Option 3. Mr. McDonald stated it would be a full service facility. Mr. Sartor explained prevailing wages.

Council Member Rickman stated that once the fields are built and people start coming to Tracy it will have an economic impact on the north side of town.

Council Member Young asked what has been the response from Little League regarding Option 1. Mr. MacDonald stated Tracy Little League is responsive to this option.

Mayor Ives suggested the City should be patient and give the leagues the chance to make it work, but to help them wherever possible.

Mayor Pro Tem Maciel stated the City needs to work with the leagues while they move forward. The City does not have \$25m to spend on this project. There are many other CIP projects which have been waiting for funding for years. Mayor Pro Tem Maciel suggested Council move forward with Option 1, and work with the leagues and the business community.

Council Member Rickman stated the City has waited 20 years for this project and referred to a number of projects the City has funded which have been successful. Council Member Rickman stated the City should step in and help if the money is available.

Council Member Young stated the City has put \$11.3m into infrastructure, and should continue to help the leagues move forward. Council Member Young stated she was in favor of Option 1.

Council Member Manne stated he would support Option 1.

Mayor Ives stated he had agreement for Option 1. With regard to TFC, Mayor Ives stated he was in favor of giving the club more time to see if they could offer alternatives. Mr. Sartor stated that to make sure prevailing wage does not kick in there is a requirement that the leagues pay a fair market value for the land. TFC is not making payments.

Council approved Option 1 to hire a consultant to provide marketing and fundraising support while incurring no additional impact to the General Fund. Council Member Rickman opposed.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Young to adopt Resolution 2014-133, Terminating the Agreement with Tracy Futbol Club. Voice vote found all in favor; passed and so ordered.

Mayor Ives called for a recess at 10:40 p.m. The meeting was reconvened at 10:45 p.m.

9. APPROVE A PROFESSIONAL SERVICES AGREEMENT (PSA) WITH RJM DESIGN GROUP INC., FOR DESIGN AND CONSTRUCTION MANAGEMENT SERVICES FOR THE JOE WILSON POOL RENOVATION PROJECT - CIP 78152, AND AUTHORIZE THE MAYOR TO EXECUTE THE AGREEMENT – Vicki Dion, City Engineer presented the staff report and used a power point in her presentation. The Joe Wilson Pool opened in 1983 and served as the main pool for the community for over 25 years. In 2009, the Joe Wilson Pool was closed as part of the City's financial cost saving measures. At the time of closure, the pool was deteriorating, a condition which has worsened over the past four years as only minimal maintenance has been performed at the site.

As part of the May 20, 2014, budget workshop, Council directed staff to renovate the Joe Wilson Pool. This action was one part of a broader plan to meet the community's aquatic needs. On June 17, 2014, Council approved funding to design, renovate, and construct the Joe Wilson Pool.

To ensure that the needs of the community are met, staff recommended contracting with RJM Design for design and construction management services as a sole source, in lieu of engaging in a formal Request for Proposal (RFP) process. In 2010, staff solicited RFPs from consultants to design and prepare construction documents for the Aquatics Center. RJM competed in this process and of the 15 proposals submitted, was deemed the most qualified to perform the work. Because of RJM's unique qualifications, familiarity with the community, and their previous work on the Aquatics Center project, staff requested that the Council find that compliance with the formal request for proposal procedure is not in the best interest of the City.

The scope of services which RJM would perform for this project includes:

- Preliminary design and scoping
- Public presentation
- Final design
- Prepare construction documents
- Assist with permitting and bidding
- Construction administration
- Additional services as needed

The total cost for these services is \$349,273.

The tentative timeline for completion of the Joe Wilson Pool Renovation Project is:

Completed Approval of Joe Wilson Pool CIP
August 2014 Award of Design Contract
February 2015 Completion of Design
May 2015 Award of Construction Contract
March 2016 Completion of Construction

The total approved project budget for this project is \$3,523,000. Approximately \$1,909,000 was transferred from the Aquatics Center project (CIP 78054) to the Joe Wilson Renovation Project (CIP 78152). The remaining \$1,614,000 will be transferred from fund balance in the General Fund to fully fund the project. The anticipated cost to operate and maintain the facility once construction is complete, based on current expenses, is \$117,400. A budget augmentation in this amount will be brought forward during the FY15/16 budget cycle.

In response to a question from Council Member Rickman regarding the length of time to completion, Vicki Dion, City Engineer, stated it is construction season. The project could be completed earlier, possibly by January/February 2016. Mr. Malik stated staff will have a better idea regarding time frames when the bids come in.

Dave Helm referred to Exhibit A to the staff report, and asked a number of questions related to the scope of services, including liability, the cost of salaries to be paid to consultants and their staff, and building code requirements.

Robert Tanner, 1371 Rusher Street, referred to the possibility of TUSD buying out the City's pool use and suggested the City should try to extend the contract at least until the Joe Wilson pool is built.

In response to Mr. Helms' questions, Dan Sodergren, City Attorney, stated the language regarding liability is standard. Mr. Malik responded the salaries are competitive and the pool will be built to code.

In response to a question from Council Member Rickman regarding the public comment period, Mr. Malik stated there will be considerable outreach and staff will bring an item back to Council.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Rickman to adopt Resolution 2014-134, Finding it is in the Best Interest of the City to Forego the Formal Request for Proposals Process, Approving a Professional Services Agreement (PSA) with RJM Design Group, Inc., for the Design and Construction Management Services for the Joe Wilson pool Renovation Project and authorizing the Mayor to execute the Agreement. Voice vote found all in favor; passed and so ordered.

10. APPROVE A FACADE IMPROVEMENT GRANT PROGRAM – Barbara Harb, Analyst, Economic Development, presented the staff report. On March 4, 2014, Council approved the FY2014-15 allocation of Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) funding. Among the approved applications was the allocation of \$35,959 for a City Facade Improvement Grant Program for the Downtown Area.

The purpose of the Facade Improvement Grant Program is to incentivize private investment in the downtown for the purpose of restoring/renovating commercial store fronts and replacing deteriorated or poor-quality commercial signs and awnings. The overall goal of the program is to strengthen the revitalization of the downtown area.

The program is a 50% matching grant program with two grant options.

Storefront Facade Improvement Grant – This grant will fund 50% of the cost for construction up to a maximum grant benefit of \$50,000. The grant recipient's private match must provide a minimum of 50% of the cost of construction. The grant recipient is also responsible for all project costs exceeding \$100,000 for construction.

Sign and Awning Grant – This grant will fund 50% of the cost for a new sign or awning up to a maximum grant benefit of \$2,000. The grant recipient's private match must provide a minimum of 50% of the cost of the new sign or awning and is responsible for all project costs exceeding \$4,000.

Downtown property and business owners in the Façade Improvement Grant Program Target Area are eligible to apply for grant funding provided they meet certain criteria. Applicants will submit a completed application with all required attachments to the Economic Development Division in City Hall.

A Façade Improvement Grant Program Committee has been assembled comprised of City Development Services staff from the Economic Development and Planning Divisions. The Review Committee will evaluate each application for eligibility and how effectively the project meets the program criteria.

Specifically, project applications will be evaluated on how well each of the following program criteria is met:

1. Degree of visual improvements the proposed project will bring to the store front and the streetscape;
2. Visual prominence of the project building and its location; and

3. Given limited resources, additional consideration will be given to applications in which the private investment will be greater than 50% of the project budget.

It is anticipated there will be more demand than funds available. Therefore, funding will be provided to those applicants whose projects most effectively meet the program criteria until such time as all grant funds are exhausted. If a grant awardee becomes unable to fulfill the grant requirements or removes a project from consideration, the review committee will reallocate those funds to an eligible, alternate project.

All grant recipients will be required to enter into an Agreement agreeing to abide by the conditions of the Facade Improvement Grant Program. A detailed list of the Conditions for Participation is provided in Attachment A to the staff report.

In answer to a question from Council Member Young regarding how much funding is available, Ms. Harb responded \$359,000. Andrew Malik, Director, Development Services, stated staff is also looking at the next cycle of CDBG to increase the funding if the program is successful. The program is indefinite.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Rickman to adopt Resolution 2014-135, Approving a Façade Improvement Grant Program. Voice vote found all in favor; passed and so ordered.

11. ITEMS FROM THE AUDIENCE – Robert Tanner, 1371 Rusher Street, commented on the unwanted furniture being left on City streets marked “Free.” Mr. Tanner suggested the City consider bringing back the annual “clean up” program which has been discontinued.

12. STAFF ITEMS

A. Interim City Manager’s Report – Ms. Hurtado, Interim City Manager, stated staff is actively marketing the Red Maple Village Shops Phase II properties. The total retail space available is approximately 22,500 square-feet and is envisioned to be primarily restaurant oriented, considering the success of the existing restaurants in the Red Maple Village center. The second location of Dickey’s BBQ restaurant opened in the Home Depot shopping center on July 17th. Extreme Pita, Ono Hawaiian BBQ and Sports Clips are also expected to open in the shopping center within the next few months.

Bossard, a manufacturer of screws and fastening elements, will open a manufacturing distribution center in an existing location at 2000 Chabot Court. They are currently in the plan review process. Prologis has submitted plans for an approximate 1-million square foot spec building in the Cordes Crossroads project. This is the first spec industrial building being planned in Tracy prior to the Great Recession. Staff is working with multiple industrial developers on prospective projects totaling nearly 2-million square feet of space. This is in addition to 2.5-million square feet currently in plan review. Gladden Equipment Erectors and Leprino Foods are all in the process of expanding operations at their existing Tracy location.

Tracy's unemployment rate for June 2014 was 6.4%, the lowest since 2008. Other cities in the county have also seen decreases, including Stockton, 12.8%; Manteca, 9.1%; Lodi, 7.1%; and Lathrop, 8.4%.

In response to ongoing drought conditions, the City has heightened its education and outreach efforts to further encourage water conservation in the community. Public outreach is being achieved through educational utility bill inserts, flyers and conservation advertisements in local movie theaters, the City's Government Outreach system and mobile app, GoRequest. In addition, the City has implemented water patrol resources and taken steps to strategically reduce irrigation at City facilities, local parks and landscaped medians. To report water waste or issue a water related service request, contact the City of Tracy at (209) 831-4333 or visit www.thinkinsidethetriangle.com and click on the "Contact Us" link.

On September 6, 2014, the City, in partnership with San Joaquin County, is hosting a Household Hazardous Waste (HHW) Collection Event at the Tracy Municipal Airport from 9 a.m. – 3 p.m. To view a full list of HHW collection items, visit www.recycleinsidethetriangle.com.

Tracy's East Side Garage Sale event will be held on Saturday, September 13th from 8 a.m. to 1 p.m. Registration is required and closes on August 27th. More information is available on the City website or by calling (209) 831-6300.

Peabo Bryson is the Season Opener for the 2014-2015 Presenting Season at the Grand Theatre on Saturday, August 23, 2014, at 8 p.m. Peabo Bryson is a legendary vocalist offering a timeless mix of pop and soul.

On September 6, 2014, Mariachi Imperial De Mexico will perform at 7 p.m. Mariachi Imperial De Mexico was originally formed in 1968 in the city of Morelia, Michoacán in Mexico.

Finally, Ms. Hurtado gave an update and on the new City Manager. Troy Brown comes from Livermore, California, where he was employed as the Assistant City Manager. Forty-two applicants applied for the City Manager's position through the recruiting firm of Peckham & McKenney. Out of that pool, the City Council interviewed five candidates before selecting Troy as their top choice. Mr. Brown's prior appointments included Assistant to the City Manager in Elk Grove, CA, and Assistant to the City Manager in City of Riverside, CA. He has over 20 years of municipal experience and holds a Master of Public Administration from California State University in San Bernardino, CA and a Bachelor of Political Science from Northridge, CA. He is currently the West Coast Regional Vice President of the International City/County Management Association (ICMA).

The Interim City Manager's informational update was accepted.

13. COUNCIL ITEMS

- A. The League of California Cities Request that the City Council Determine Their Position on One Resolution to be Considered at the 2014 Annual Business Meeting of the League of California Cities Annual Conference – Mayor Pro Tem

Maciel motioned to support “A Resolution Calling upon the Governor and the Legislature to Convene a Summit to Address the Devastating Environmental Impacts of Illegal Marijuana Grows on both Private and Public Lands Throughout California and the Increasing Problems to Public Safety Related to these Activities by Working in Partnership with the League of California Cities to Develop Responsive Solutions and to Secure Adequate Funding for Cost-Effective Implementation Strategies.” Council Member Rickman seconded the motion. Voice vote found all in favor; passed and so ordered.

14. ADJOURNMENT – It was moved by Council Member Manne and seconded by Council Member Rickman to adjourn. Voice vote found all in favor; passed and so ordered. Time 11:10 p.m.

The above agenda was posted at the Tracy City Hall on August 14, 2014. The above are summary minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

Interim City Clerk

October 21, 2014, 6:30 p.m.

City Council Chambers, 333 Civic Center Plaza

Web Site: www.ci.tracy.ca.us

1. CALL TO ORDER – Mayor Ives called the meeting to order at 6:30 p.m. for the purpose of a closed session to discuss the items outlined below.
2. ROLL CALL – Roll call found Council Members Manne, Rickman, Young, Mayor Pro Tem Maciel and Mayor Ives present.
3. ITEMS FROM THE AUDIENCE – None.
4. REQUEST TO CONDUCT CLOSED SESSION –
Real Property Negotiations (Gov. Code, § 54956.8)

Property Location:	30703 South MacArthur Drive, Tracy, California (APN: 253-130-19)
Negotiators for the City:	Jenny Haruyama, Administrative Services Director Robert D. Hilton, HF&H Consultants, LLC
Negotiating Parties:	Representatives of Tracy Material Recovery and Solid Waste Transfer, Inc.
Under Negotiation:	Price and terms of payment for the purchase of the property
5. MOTION TO RECESS TO CLOSED SESSION – Mayor Pro Tem Maciel motioned to recess the meeting to closed session at 6:31 p.m. It was seconded by Council Member Rickman. Voice vote found all in favor; passed and so ordered.
6. RECONVENE TO OPEN SESSION – Mayor Ives reconvened the meeting into open session at 6:56 p.m.
7. REPORT OF FINAL ACTION – None.
8. ADJOURNMENT – It was moved by Council Member Manne and seconded by Mayor Pro Tem Maciel to adjourn the meeting. Voice vote found all in favor; passed and so ordered. Time: 6:57 p.m.

The above agenda was posted at City Hall on October 16, 2014. The above are action minutes.

Mayor

ATTEST:

Interim City Clerk

October 21 2014, 7:00 p.m.

City Council Chambers, 333 Civic Center Plaza

Web Site: www.ci.tracy.ca.us

Mayor Ives called the meeting to order at 7:00 p.m., and led the Pledge of Allegiance.

The invocation was offered by Pastor Tim Heinrich, Crossroads Baptist Church

Roll call found Council Members Manne, Rickman, Young, Mayor Pro Tem Maciel, and Mayor Ives present.

Mayor Ives presented a proclamation to Dr. Brian Stephens, Superintendent for TUSD, declaring the month of October 2014 "Anti-Bullying Month."

1. CONSENT CALENDAR – Following the removal of items 1.A by Council Member Rickman, and 1.G by Dave Helm, it was moved by Mayor Pro Tem Maciel and seconded by Council Member Rickman to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered.
 - B. Authorization for Submitting Assessment Ballots for the Proposed Assessment for Reclamation District 2058 – Resolution 2014-174 authorized the ballots be submitted.
 - C. Acceptance of the Bessie Avenue Building Demolition Project – CIP 78142, Completed by Modesto Sand & Gravel Inc., of Modesto, California, and Authorization for the City Clerk to File the Notice of Completion – Resolution 2014-175 accepted the project.
 - D. Authorize an Appropriation of Funds for Replacement of Water Filter Media at the John Jones Water Treatment Plant – CIP T5pp-105, from Water Fund F105 in FY 2014-15 and FY 2015-16, and Authorize Construction of the Project – Resolution 2014-176 authorized the appropriation
 - E. Approve an Offsite Improvement Agreement for the Cordes Ranch Offsite Waterline Improvements on Old Schulte Road, Hansen Road, and Road "E", and Authorization for the Mayor to Execute the Agreement – Resolution 2014-177 approved the agreement.
 - F. Adopt a Resolution Authorizing Amendment No. 2 to the Professional Services Agreement and Software License Agreement With Spillman Technologies, Inc. for the Computer Aided Dispatch / Records Management System to Discontinue Further Work and Obtain a Partial Refund for Completed Work and Authorize the Mayor to Execute the Amendment – Resolution 2014-178 authorized the amendment.
 - H. Approve the Final Subdivision Map and Subdivision Improvement Agreement for Primrose - Phase 1, Tract 3772, Authorize the Mayor to Execute the

Agreement, and Authorize the City Clerk to File the Subdivision Improvement Agreement with the San Joaquin County Recorder – Resolution 2014-179

- A. Approval of Minutes – Council Member Rickman stated he was opposed to the option the Council agreed to on the August 19 City Council agenda, item 8, “Accept Status Report on the Youth Sports Leagues Legacy Fields Project, Provide Direction on Possible Assistance to the Leagues, and Authorize Termination of the Lease with the Tracy Futbol Club.” The meeting minutes of August 19, will be amended to reflect Council Member Rickman’s opposition to Option 1, and brought back for Council approval on November 5. Regular meeting minutes of June 17, 2014, and closed session minutes of October 7, 2014, were approved.
- G. Adopt a City Council Policy for Filling City Council Vacancies and Vacancies Occurring in the Office of Mayor – On October 7, 2014, the City Council considered a draft policy regarding filling City Council vacancies and vacancies occurring in the office of Mayor. At that time, the City Council directed staff to make changes to the draft policy to clarify the following two provisions: (1) that the order of interviews is to be determined based on a random drawing; and (2) the voting procedure. The policy attached to the staff report includes clarifications to these two provisions.

Dave Helm questioned whether it was the Council’s intent to appoint someone as Mayor who was not sitting on the Council. Mayor Ives asked if Council has the authority to appoint the Mayor. Dan Sodergren, City Attorney, responded the Council has two options. Within 60 days, the Council can either fill a Council vacancy by appointment or call a special election. A similar process is included in the Government Code for vacancies occurring in the Office of the Mayor. Staff would request from the Council whether they wanted to hold a special election or use the appointment process. However, state law does not specify a procedure for selection of appointees and the Council may choose any method it desires.

Mr. Helm questioned the procedure regarding the number of signatures required for the application process, and asked who would verify the signatures and the residency requirements. Mr. Sodergren stated the City Clerk’s office in conjunction with the Registrar of Voters office.

Mayor Ives suggested removing the Office of Mayor from the policy. Mr. Helm suggested a Council Member fill the Mayor’s seat until the term expires. Mayor Pro Tem Maciel stated he had no problem either removing the Office of Mayor from the policy, or leaving it in.

Mayor Pro Tem Maciel motioned to adopt item I.G as written, adopting a City Council Policy for Filling City Council Vacancies and Vacancies Occurring in the Office of Mayor. Motion died for lack of a second.

Mayor Pro Tem Maciel motioned to adopt item I.G as amended (Resolution 2014-180), adopting a City Council Policy for Filling City Council Vacancies. Council Member Young seconded the motion.

Council Member Young asked if staff would bring back a policy for appointing a Mayor. Troy Brown, City Manager, responded Council could remove the Office of the Mayor from the policy, but would have to revisit the issue in the future.

Mr. Sodergren stated Council could defer adopting a policy for the Office of the Mayor until it became necessary.

Mayor Ives suggested removing the Office of the Mayor from the policy.

Mr. Sodergren stated the intent of the policy was to give the Council a headstart on conducting an appointment process if and when it becomes necessary. However, at the time an appointment becomes necessary Council will have the option to either to create an appointment process or conduct a special election.

Mayor Pro Tem Maciel referred to the requirements of term limits and added he would like to see term limits revisited since an appointment made for a limited amount of time counts as one full term.

Mayor Ives stated he had a motion and a second to adopt item 1.G as amended. Voice vote found all in favor; passed and so ordered.

Mr. Sodergren stated he would remove the reference to the Office of the Mayor from the staff report and the resolution.

2. ITEMS FROM THE AUDIENCE - Rhodesia Ransom, extended two invitations to the Council to attend a red carpet event in support of anti-bullying. The event will take place at Kimball High on Nov 5, beginning at 6 p.m., and Tracy United will hold "Make a Difference Day" on Saturday. Participants are invited to gather outside City Hall at 8:30 a.m.

Steve Nicolaou, 1068 Atherton Drive, suggested an item be placed on the agenda to consider a censure policy.

Dave Helm referred to a workshop he had attended in June regarding credit card issues and asked when a report would be brought back to Council. Assistant City Manager, Maria Hurtado, responded a report will be brought to Council on November 18.

3. THAT COUNCIL CONDUCT A PUBLIC HEARING DECLARING THE EXISTENCE OF WEEDS, RUBBISH, REFUSE AND FLAMMABLE MATERIAL ON EACH OF THE PARCELS LISTED IN EXHIBIT "A" TO THIS AGENDA ITEM A NUISANCE; CONSIDER OBJECTIONS TO ABATEMENT OF SAID NUISANCE, AND ADOPT A RESOLUTION AUTHORIZING FIRE DEPARTMENT STAFF TO ORDER CONTRACTOR TO ABATE SAID NUISANCES – Steve Hanlon, Division Chief, Fire Department, presented the staff report. On September 17, October 2, and October 6, 2014, pursuant to Tracy Municipal Code, Section 4.12.280, the Fire Department sent notices to the property owners listed in Exhibit "A" to the staff report. Mr. Hanlon noted three properties need to be removed from the parcels listed since they have been cleared. That notice required owners to abate weeds, rubbish, and flammable material on the parcels listed within 20 days, and informed the property owners that a Public Hearing would be conducted on October 21, 2014, where any protests regarding the notice to abate would be heard. The Tracy

Municipal Code provides that upon failure of the owner, or authorized agent, to abate within 20 days from the date of notice, the City will perform the necessary work by private contractor and the cost of such work will be made a personal obligation of the owner, or become a tax lien against the property.

Under the provisions of Tracy Municipal Code, Section 4.12.290, the Fire Department will proceed at Council's direction with instructing the City's contractor to perform weed, rubbish, and flammable material abatement on the parcels listed in Exhibit "A". Per the Tracy Municipal Code, property owners are liable for the cost of abatement and will be billed for the actual cost of the City contractor's services, plus a 25 percent administrative charge. All unpaid assessments will be filed with the San Joaquin County Auditor Controller's office to establish a lien on the property.

There is \$12,100 budgeted in Fiscal Year 2014-15, Grounds and Maintenance account, 211-52110-252-0000. Sufficient funds remain to accomplish abatement services.

Mayor Ives opened the public hearing.

Robert Tanner, 1371 Rusher Street, asked whether the City ever receives any money from liens against properties which the City has abated, and how much is still owed. Bill Sartor, Assistant City Attorney, stated the City does receive money from properties which have been abated when the property is sold, and added the Finance Department would keep a record of how much is outstanding.

Mayor Ives closed the public hearing.

Motion made by Mayor Pro Tem Maciel, seconded by Council Member Rickman to adopt Resolution 2014-181, Declaring the existence of weeds, rubbish, refuse and flammable material on the parcels listed in Exhibit "A", amended to remove the three parcels which have been brought into compliance, a nuisance and authorizing Fire Department staff to order contractor to abate. Voice vote found all in favor; passed and so ordered.

4. PUBLIC HEARING TO CONSIDER APPROVING AN AMENDMENT TO THE SAN JOAQUIN COUNTY MULTI-SPECIES HABITAT CONSERVATION AND OPEN SPACE PLAN (SJMSCP) DEVELOPMENT FEE, RESULTING IN AN INCREASE IN FEES FOR 2015 - Vicki Lombardo, Senior Planner, Development Services Department, presented the staff report. In 2001, the Council approved a resolution to establish the authority to collect a development fee for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). That fee was established in 2001, and updated in 2005, 2007, 2008, 2009, 2010, 2011, 2012, 2013 and 2014.

The formula for updating the fee was categorized into three distinct components to better calculate an accurate fee per acre [FEE = Category A (acquisition) + Category B (assessment and enhancement) + Category C (management and administration)]. The final mitigation fees reflect true costs in each category and other real costs associated to fulfill the goals of the plan.

Category A (acquisition) – This category is directly related to land valuation based on comparables which occur in specific zones of the plan. The final weighted cost per acre of each zone is calculated into a blended rate under Category A (acquisition) figure for each habitat type. The criteria used to determine the weighted calculation results in an

increase to the Agricultural/Natural Habitat type of Category A component from \$8,288.74 to \$9,427.21.

Category B (assessment and enhancement) - This category is an average of the California Consumer Price Index (CPI), as reported by the California Department of Finance, for a 12 month period following a fiscal year (July – June) to keep up with inflation on a yearly basis. The California CPI calculation increased 2.2%. The calculation results in an increase to the Category B component from \$3,189.59 last year to \$ 3,259.76.

Category C (management and administration) - This category is an average of the California Consumer Price Index (CPI), as reported by the California Department of Finance, for a 12 month period following a fiscal year (July – June) to keep up with inflation on a yearly basis. The California CPI calculation increased 2.2%. The calculation results in an increase of the Category C component to \$1,856.24, up from \$1,816.28 in 2014.

All land within and adjacent to the current City limits is classified as Open Space or AG/Natural. The 2014 per-acre fees are \$6,656 per acre for Open Space, and \$13,295 for AG/Natural. The mitigation fee to be adopted for 2015 is \$7,281 per acre for Open Space and \$14,543 for AG/Natural.

In addition, the SJMSCP is required to monitor the plan to address funding shortfalls. SJCOG, Inc. undertakes an internal review of the SJMSCP funding plan every three years to evaluate the adequacy of each funding source identified in the plan, identify existing or potential funding problems, and identify corrective measures, should they be needed in the event of actual or potential funding shortfalls. This will be reported to the permitting agencies for review in Annual Reports.

Mayor Ives opened the public hearing. Since there was no one wishing to address the Council Mayor Ives closed the public hearing.

Motion made by Mayor Pro Tem Maciel, seconded by Council Member Rickman to adopt Resolution 2014-182, Approving amended development fees for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan. Voice vote found all in favor; passed and so ordered.

5. RECEIVE PUBLIC TESTIMONY FROM PUBLIC HEARING FOR ANNUAL UNMET TRANSIT NEEDS, CITY OF TRACY, FISCAL YEAR 2014-15 EXECUTIVE SUMMARY
Ed Lovell, Management Analyst II, Public Works Department, presented the staff report. Under provisions of the State of California Transportation Development Act (TDA), local public hearings must be held annually to review any unmet transit needs prior to the allocation of TDA funds. The hearings were held on October 21, 2014, at 10:30 a.m. in the Tracy Transit Station Conference Room 105, and again at 7:00 p.m. in City Hall Council Chambers during the regularly scheduled City Council meeting. The City requested TDA funds for Fiscal Year 2013-14 amounting to \$4,114,452.

The TRACER Public Transit System provides Fixed Route and Paratransit Bus services Monday through Friday from 7:00 a.m. until 8:00 p.m., and Saturdays from 9:00 a.m. to 6:00 p.m. The Paratransit Subsidized Taxi service operates during the days and hours that the Paratransit Bus service is not in operation.

The purpose of the public hearing is for the Council to receive public testimony concerning any unmet transportation needs which may exist for the Tracy community. The minutes of the public hearing on October 21, 2014, shall be forwarded to the San Joaquin County Council of Governments (SJCOG) which has the responsibility of determining whether transit needs remain unmet and would be reasonable to meet by the applicable jurisdiction. Staff members from SJCOG attended the Tracy public hearings to witness the community responses and to answer specific questions concerning the TDA process.

Council Member Rickman inquired if funding was available to purchase additional buses. Mr. Lovell responded the City has received funding through FTA grants which should be available within 18 months.

Mayor Ives opened the public hearing.

Dave Helm stated the numbers in the staff report for the total claim for 2013-14 did not add up, and there was a discrepancy of approximately \$69,000. Mr. Lovell explained the total figure for the FY13-14 TDA claim was listed in the staff report as \$4,114,452 while it should have read \$4,183,867. The difference of \$69,415 is the amount the City claimed under State Transit Assistance (STA) and was inadvertently left off when transferring the data from the TDA claim to the staff report. The City did in fact receive all of the money from the submitted FY13-14 TDA claim.

Mayor Ives closed the public hearing.

Motion made by Mayor Pro Tem Maciel, seconded by Council Member Manne to accept the report. Voice vote found all in favor; passed and so ordered.

6. PUBLIC HEARING TO CONSIDER AN APPLICATION TO AMEND THE GENERAL PLAN, APPROVE A VESTING TENTATIVE SUBDIVISION MAP ON A 10.15-ACRE SITE TO CREATE 51 LOTS AND AN AMENDMENT TO THE CONCEPT DEVELOPMENT PLAN FOR THE STERLING PARK AND SAN MARCO PLANNED UNIT DEVELOPMENTS FROM A SCHOOL SITE TO A 51 LOT RESIDENTIAL SUBDIVISION KNOWN AS BARCELONA INFILL, AND APPROVAL OF THE CONCEPT, PRELIMINARY AND FINAL DEVELOPMENT PLANS FOR THE BARCELONA INFILL PLANNED UNIT DEVELOPMENT; THE PROJECT IS LOCATED AT THE NORTHWEST CORNER OF BARCELONA DRIVE AND TENNIS LANE, ASSESSOR'S PARCEL NUMBERS 252-520-44 AND 240-390-33; THE APPLICANT AND PROPERTY OWNER IS TVC TRACY HOLDCO, LLC; APPLICATION NUMBERS GPA14-0003, PUD14-0002 AND TSM14-0002 EXECUTIVE SUMMARY – Vicki Lombardo, Senior Planner, Development Services Department, presented the staff report. The subject property consists of two parcels of vacant land totaling 10.15-acres at the intersection of Barcelona Drive and Tennis Lane. The property is bordered by the Sterling Park residential subdivision to the north and the San Marco residential subdivision to the south. The northerly five acres of the site is contained within the Sterling Park Planned Unit Development (PUD), and the southerly five acres is in the San Marco PUD, both of which were approved in the late 1990's.

The total 10.15-acre site was designated for a K-6 school in the respective PUDs at the request of the Tracy Unified School District. In 1994, the City annexed the Sterling Park and San Marco areas and designated both properties Residential Low in the General Plan. In 2006, the City updated the General Plan and designated the subject 10.15-acre

site and other planned or developed public school sites citywide as Public Facilities. To maintain the reservation of a school site, the School District must enter into a binding agreement to purchase the land at the approval of the final map (Per Government Code Section 66480). That agreement reserves the land for the School District for two years. The final maps creating the two lots that make up the site were approved on July 5, 2000 (San Marco Unit 1) and July 2, 2002 (Sterling Park Unit 6). The School District did not enter into any agreements with the property owners, and the two-year time frames have long lapsed.

On April 9, 2014, the property owner submitted an application to amend the land use designation from Public Facilities to the Residential Low designation and to amend the Sterling Park and San Marco Concept Development Plans (CDP) from a school site to a residential subdivision known as Barcelona Infill. The application included a Concept Development Plan, Preliminary Development Plan (PDP), a Final Development Plan (FDP); and a Vesting Tentative Subdivision Map for 51 lots.

City staff referred the application to TUSD and has received no objection to the proposed project. With the site no longer reserved to be a school, a General Plan amendment to Residential Low to accommodate the developer's proposal for single-family homes is required. This designation is consistent with the surrounding neighborhood. The applicant has requested to amend the Sterling Park and San Marco CDPs from a school site to a residential site and wishes to establish a separate PUD comprised of a CDP, PDP, and FDP for the purposes of constructing 51 single-family homes. The proposed project would be consistent with the density allowed under the Residential Low designation, which ranges from 2.1 to 5.8 units per gross acre. The average density of the proposed Barcelona Infill subdivision is 5.03 dwelling units per gross acre.

The proposed development plan is consistent with the City's Design Goals and Standards and the following General Plan policies for residential design.

The proposed residential land use is compatible with the residential neighborhoods in the Sterling Park and San Marco subdivisions. The proposed lots range between 5,500 and 16,954 square feet with an average lot size of 6,818 square feet. The lots are sized to be similar to the surrounding subdivisions, with particular attention to lots adjacent to existing homes. The Barcelona Infill subdivision proposes minimum lot sizes of 55 feet in width by 100 feet in depth. In consideration of the homes that back up to the proposed subdivision, the applicant proposes deeper rear yards than typical to provide greater privacy to the existing homes. These lots are between approximately 121 feet and 191 feet in depth, which is significantly deeper than most residential lots in the city.

The subdivision would have its primary access from Corral Hollow Road by way of Tennis Lane or Cypress Drive.

Upon submittal of a vesting tentative subdivision map, as well as a PUD, the applicant is required by Tracy Municipal Code Sections 12.28.040(b)(2) and 10.08.1830 to submit architectural floor plans and elevations for review and approval by the Planning Commission and City Council. The proposed architecture for the 51 lots contains four floor plans. Each of the four plan types would have four distinct elevation styles, giving the subdivision 16 different exterior house designs. The proposal includes one single-story plan and three two-story plans with sizes ranging between approximately 2,126 and 3,369 square feet of living space (2,563-4,288 total square feet). The

proposed architectural styles are Spanish, Craftsman, English Country, Italian and Farmhouse. The garages are deemphasized with all four plans designed with garage facades five or more feet behind the leading edge of the house. At least one of the plans features a garage that is even more recessed, allowing the project to meet the requirements of the City's Design Goals and Standards that some garages be set back 30 feet from the street. The proposed architecture is consistent with the City's Design Goals and Standards and applicable General Plan policies for residential design.

The proposed project is located within the Tracy Unified School District. To mitigate the proposed developments' impacts on school facilities, Memorandums of Understanding (MOU) were executed with the Tracy Unified School District when the Sterling Park and San Marco subdivisions were developed, which included this 10.15-acre site. Per the MOUs, a per-unit fee will be charged for each of the 51 units constructed.

Parks are required to be established within residential neighborhoods and projects are either required to build their own park or pay park in-lieu fees. In this case, staff has determined that no dedication of park acreage is desired within the proposed project because the parks established for the Sterling Park and San Marco subdivisions already exceed the City's requirement for park land. In lieu of providing park land, the applicant would be required to pay the park in-lieu fees which would provide funds for the creation and maintenance of parks and recreation facilities consistent with the Parks Master Plan and the City's General Plan.

The applicant conducted several private meetings and two neighborhood-area meetings on August 26, 2014, at the Sports Complex meeting room, and on September 7, 2014, at Verner Hanson Park to introduce the proposed project to nearby residents and to collect feedback. According to the applicant, the primary interests of the neighbors in attendance related to development timing, density, lot size, architecture, and home price.

Concerns related to vehicular speeding on Tennis Lane adjacent to the vacant subject site were raised. When the new subdivision is constructed, nine homes will face onto Tennis Lane, and the future through-street will intersect Tennis Lane. These improvements will increase cross-traffic and encourage more careful driving that will cause traffic to slow down along Tennis Lane. According to the applicant, no comments were offered related to traffic congestion.

The project is exempt from the California Environmental Quality Act per Section 15162 pertaining to projects with a certified Environmental Impact Report (EIR) where the project does not propose substantial changes that will result in a major revision of the previous EIR. The project does not propose new significant changes to the environment that was not analyzed in the General Plan EIR, including the areas of traffic, air quality, and aesthetics. Therefore, no further documentation is needed.

The Planning Commission held a public hearing to consider the project on September 24, 2014, and discussed traffic, architecture, and a neighbor's concerns. Some traffic concerns already exist within the neighborhood, including speeding on Tennis Lane and turning movements at the Barcelona and Cypress intersection. Those concerns will be addressed with a traffic study to be completed and its mitigation measures implemented during construction of the project. Commissioner Vargas provided architectural suggestions for enhancements on some front and side elevations that the developer agreed to implement. Finally, a neighboring property owner noted that he would prefer

to have single story homes built adjacent to his existing house. The Commission suggested that this request would be best addressed by the developer rather than required per the project approval.

This agenda item will not require any expenditure of funds. The applicant paid the application fees for the staff time that was required for review of the proposed project. The applicant will also pay approximately \$2.7 million in building permit and development impact fees upon the commencement of construction of the dwelling units and other improvements.

In response to a question from Mayor Ives regarding public outreach Ms. Lombardo gave an overview of the outreach conducted by the applicant and the City.

Mayor Ives opened the public hearing.

Chris Tyler, 3208 White Cliff Drive, Modesto, applicant, gave a brief overview of the project and offered to answer questions. In response to the question posed by Mayor Ives regarding public outreach, Mr. Tyler stated two public outreach sessions had been held and a flyer offering to meet with residents at any time had been sent to neighbors adjacent to the project.

Mayor Ives closed the public hearing.

Motion made by Mayor Pro Tem Maciel, seconded by Council Member Rickman to adopt Resolution 2014-183, Approving a General Plan land use designation amendment of a 10.15-acre site for the Barcelona Infill Subdivision (APNs 240-520-44 and 240-390-33) from Public Facilities to Residential Low. The applicant and owner is TVC Tracy Holdco, LLC. Application Number GPA 14-0003. Voice vote found all in favor; passed and so ordered.

Motion made by Mayor Pro Tem Maciel, seconded by Council Member Rickman to adopt Resolution 2014-184, Approving the 51-Lot Barcelona Infill Vesting Tentative Subdivision Map and Amendment to the Concept, Preliminary and Final Development Plans for a 10.15-acre site located at the northwest corner of Barcelona Drive and Tennis Lane – Application Numbers TSM14-0002 and PUD 14-0002. Voice vote found all in favor; passed and so ordered.

7. COUNCIL DISCUSSION AND DIRECTION REGARDING THE TRANSFER OF FEDERAL USE RESTRICTIONS AND REVERSIONARY RIGHTS FROM THE SCHULTE ROAD PROPERTY, APN 209-230-29 AND 30, TO THE UNDEVELOPED 300 ACRES OF LEGACY FIELDS APN 212-150-04 – Andrew Malik, Director, Development Services Department, presented the staff report. The Schulte Road property is approximately 200 acres and is located on the south side of Schulte Road, west of Lammers Road. In 1998, the United States Congress authorized the General Services Administration (“GSA”) to convey 200 acres to the City via special legislation for “economic development” purposes and the remaining 150 acres at no cost to the City, but specifically for recreational and/or educational “public benefit” purposes. The City purchased the 50 acres with no restrictions and has land banked the 50 acres for the past 14 years. The City explored several projects over the years, which focused on recreational and educational activities on the remaining 150 acres, but no viable project emerged from those efforts.

On October 7, 2008, staff began to work with Congressional Delegates to amend the existing property conveyance legislation to allow for renewable and/or alternative energy uses and began exploring a City project that involved renewable and/or alternative energy uses. Consequently, over the next two years, the City began negotiations to sell or lease the site to GWF for a private project that involved renewable and/or alternative energy uses. Ultimately, on November 16, 2010, a Purchase and Lease Option Agreement with GWF to develop the 200 acre site as a solar farm was executed and included the option for GWF to acquire the property. Over the course of the next couple of years, GWF proceeded with renewable and alternative energy development plans on the site. However, on June 27, 2012, GWF informed the City that after an exhaustive and expensive effort to secure a mutually acceptable Power Purchase Agreement with a utility provider, they were unable to obtain the agreement. Although a solar project was not a viable option for GWF, they stated that their research showed that the property still had good potential for a smaller renewable energy project and GWF agreed to transfer their solar resource data and analysis, including engineering studies and environmental reports to the City for use by the City or a new development partner in order to explore a similar, but smaller, project on the site.

On May 15, 2012, Congress enacted Public Law 112-119, authorizing GSA to offer the City the option to acquire the 150 acres at appraised fair market value, thereby releasing any reversionary interest retained by the United States on the property. The June 27, 2012, letter from GSA to the City requested that the City consider acquiring the property for \$1,115,250 (appraised value of \$1,100,000, and the appraisal expense of \$5,250).

On September 18, 2012, Council appropriated \$1,105,250 RSP funds to pay the cost to remove use restrictions and Federal reversionary rights on 150 acres of the 200 acre City-owned Schulte Road property. A Request for Proposals was issued by the City in early 2013 to determine if there was interest from alternative energy companies to purchase the site for solar or other alternative energy uses. While there was some private interest, no proposal included fronting funds to pay the GSA to remove the use restrictions and allow alternative energy facilities on the site. At the September 18, 2012, Council meeting, Council directed staff to appropriate the \$1,105,250 and to continue to work with GSA to try to reduce the amount requested to remove the use restrictions.

Following numerous discussions between GSA and the City to reduce the cost to remove the use restrictions on the Schulte Road property, GSA and staff have identified a concept whereby the use restrictions and reversionary rights recorded on the Schulte Road property could be transferred to other undeveloped park property in the City. On July 22, 2014, staff provided a tour of Legacy Fields to Clark Van Epps, GSA Regional Director, and his support staff. On September, 10, 2014, the City received a letter from GSA outlining certain requirements and documents necessary to proceed with the transfer concept. The following represent those requests:

1. Confirmation from the City Council to proceed with the use restrictions and reversionary interest transfer from the Schulte Road property to 300 acres of the undeveloped Legacy Field project.
2. Provide a public use plan that details the City's plans for the entire replacement property with a development schedule.

3. Complete a Phase I Environmental Site Assessment to determine whether the property is environmentally safe and not contaminated.
4. Provide a title report and legal description of the replacement property.

Staff is currently working on items 2-4 above. Item 1 is the subject of this discussion.

Following receipt of the requested documentation, GSA will commission a market appraisal of both parcels to ensure the replacement property is of equal or greater fair market value than the current park property. Once the market analysis is complete GSA will draft the deeds and a Memorandum of Agreement (MOA) to finalize the transfer/abrogation. It is anticipated that a new abrogation agreement, removing the use restrictions on the Schulte Road site, can be executed by December 2014, provided GSA can expedite their market analysis/appraisal of the Legacy Fields site and the City and the GSA are in agreement on the MOA.

Mr. Malik stated the goal is not to give GSA the property but to effectuate the development of these properties.

There is no impact to the General Fund. If the City and GSA can agree on this transfer concept there is a balance of \$565,000 of unused funds which would go back to RSP.

Mr. Malik concluded his presentation by recommending that Council support the concept of transferring the use restrictions and revisionary rights from the City's Schulte Road property to the undeveloped 300 acre Legacy Field property and direct staff to work with GSA on the next steps in the process.

Mayor Pro Tem Maciel asked whose idea this was. Mr. Malik stated it came from a concept proposed by GSA that they could sell this idea to the National Parks Service.

Mayor Ives invited public comment.

Steve Nicolaou, 1068 Atherton Drive, stated he agreed this was a good way to resolve the issue, but questioned whether by dealing with the Federal government there could be restrictions placed on the property in the future. Mr. Nicolaou asked if changing the use would still have to go to a vote of the people, for example, to convert Legacy Fields to a shopping center.

Dan Sodergren, City Attorney, responded State law would prevail.

Motion made by Council Member Manne, seconded by Council Member Rickman to adopt Resolution 2014-185 supporting the concept of transferring the Use Restrictions and Reversionary Rights from the City's Schulte Road property to the undeveloped 300 acre Legacy Field property. Voice vote found all in favor; passed and so ordered.

8. APPOINT AN APPLICANT TO THE TRANSPORTATION ADVISORY COMMISSION FROM THE COMMISSION'S ELIGIBILITY LIST – Troy Brown, City Manager, presented the staff report. There is a vacancy on the Transportation Advisory Commission due to Commissioner Frankel resigning on October 8, 2014. The last time appointments were made to the Transportation Advisory Commission was April 15, 2014. At that time the subcommittee nominated two applicants to fill vacancies on the Transportation Advisory Commission and recommended three applicants be placed on an eligibility list. Council

confirmed the subcommittee's nomination and the creation of an eligibility list. Resolution 2004-152 includes direction on the "Selections Process for Appointee Bodies," and also states that if an appointee will fill an un-expired term with six months or less remaining, the appointment shall be deemed to be for the new term. Staff recommended Council either appoint Mr. Ball to the Transportation Advisory Commission to serve the remainder of Commissioner Frankel's term commencing on October 22, 2014, and expiring on April 30, 2017, or direct staff to open a new recruitment.

Mayor Ives invited public comment – None

Motion made by Council Member Young, seconded by Council Member Rickman to appoint Mr. Ball to the Transportation Advisory Commission. Voice vote found all in favor; passed and so ordered.

9. ITEMS FROM THE AUDIENCE – None.

10.A CITY MANAGER'S REPORT – Troy Brown, City Manager presented the report. Mr. Brown began with business activity related to new construction and expansions, continued with community-wide informational updates, and closed his presentation with special events at the Grand Theatre.

Commercial construction activity remains active in Tracy, including the Amazon Expansion and Grace Baptist Church.

Business improvements include Delta Brews (downtown brew pub), Red Robin (new Building replacing Chevy's in the I-205 area), Sweethearts Bakery (downtown on B Street), Sports Clips (I-205 area), I Live for Desserts (downtown on Central), Hair Club for Men, Extreme Pita & Ono Hawaiian BBQ.

A Resident Survey will be issued to a randomly selected pool of Tracy residents during the Fall 2014. The National Research Center, Inc. will administer The National Citizen Survey™ (The NCS) on behalf of the City. The NCS measures resident opinion across eight aspects including public safety, community engagement, recreation, and mobility. Results of the survey will be used to measure the quality of City services, help to establish the budget and set future priorities and direction for the City.

The City has begun pre-storm maintenance clearing trash and debris from storm drains and channels. Beginning on November 17, 2014, a limited quantity of sandbags and plastic sheeting will be available to residents to help protect homes from storm related damage. Materials will be available for pickup at the Public Works Department, Boyd Service Center, 520 N. Tracy Boulevard, when inclement weather is forecast.

Work continues on the new Tracy Animal Shelter. The project is on schedule with an anticipated opening date of early this December.

"Tracy's Child," one of Tracy's first public commissioned sculptures, was re-installed at William Larsen Park today. The commissioned bronze statue depicting a girl flying a kite suffered extensive damage after it was vandalized and removed from the park in 2012.

Finally, upcoming performances at the Grand Theatre include a "Haunting Masquerade Ball" on November 1, 2014. The Grand Theatre will be transformed into a haunting castle with guests arriving in medieval ball gowns, classy men's attire and gorgeous masks. Tickets cost \$25 and include music, entertainment, dancing, appetizers and two drink tickets.

On November 8, 2014, Joni Morris & the After Midnight Band will perform at the Grand Theatre. Joni Morris of Stockton, California, will pay tribute to "Legendary Ladies in Country Music" including Patsy Cline, Kitty Wells, Loretta Lynn, Tammy Wynette and more. Tickets cost \$18-\$22 and the show begins at 7:30 p.m.

Council accepted the update.

11. COUNCIL ITEMS – Council Member Rickman commended the Bulldog project which has been recognized at the state level for their anti-bullying efforts.

Council Member Young pointed out that since November 4 is election day the Council meeting will be held on November 5, and added that anti-bullying events will take place at Kimball High on November 5. Council Member Young also stated that the opening ceremonies for Make a Difference Day begin at 8:00 a.m. on Saturday, outside City Hall.

Mayor Ives stated that recently the City applied for funding from the Safe Routes to School programs for the Mount Oso and Mount Diablo area. The Council of Governments has awarded funding in the amount of \$950,000, and the project has been forwarded to the California Transportation Commission for approval.

12. ADJOURNMENT – Motion made by Council Member Manne and seconded by Council Member Rickman to adjourn. Voice vote found all in favor; passed and so ordered. Time 8:24 p.m.

The above agenda was posted at the Tracy City Hall on October 16, 2014. The above are summary minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk

AGENDA ITEM 1.B

REQUEST

**APPROVE RESOLUTION AUTHORIZING A LEAVE OF ABSENCE FOR TRACY
TRANSPORTATION ADVISORY COMMISSIONER ALVIN VAUGHN**

EXECUTIVE SUMMARY

On October 7, 2014, staff received a request from Transportation Advisory Commissioner Alvin Vaughn for a leave of absence from November 1, 2014 to November 30, 2014. The Transportation Advisory Commission Bylaws state a Transportation Advisory Commission member may submit a written request to the City Council for a leave of absence of up to six-months which may be approved at the City Council's discretion.

DISCUSSION

Transportation Advisory Commissioner Alvin Vaughn has requested a leave of absence from November 1, 2014 to November 30, 2014, due to work schedule conflicts. The Transportation Advisory Commission (TAC) Bylaws stipulate that any Commissioner can request up to six-months leave of absence from their duties on the Commission. This request is to be directed to, and can only be approved by, the City Council.

The TAC consists of nine members and all seats are currently filled.

STRATEGIC PLAN

This is a routine operational item and does not relate to the Council's Strategic Plans.

FISCAL IMPACT

There is no fiscal impact to the General Fund, Transportation Fund, or Airport Fund at this time.

RECOMMENDATION

That City Council, by resolution, approve a leave of absence for Transportation Advisory Commissioner Alvin Vaughn.

Prepared by: Ed Lovell, Management Analyst II

Reviewed by: David Ferguson, Director of Public Works
Maria A. Hurtado, Assistant City Manager

Approved by: Troy Brown, City Manager

RESOLUTION _____

AUTHORIZATION FOR A LEAVE OF ABSENCE FOR
TRANSPORTATION ADVISORY COMMISSIONER ALVIN VAUGHN

WHEREAS, Transportation Advisory Commissioner Alvin Vaughn has requested a leave of absence from November 1, 2014 to November 30, 2014, due to a work schedule conflict, and

WHEREAS, The Transportation Advisory Commission (TAC) Bylaws stipulate that any Commissioner can request up to six-months leave with Council approval, and

WHEREAS, The Transportation Advisory Commission consists of nine members and all seats are currently filled;

NOW, THEREFORE, BE IT RESOLVED, That City Council authorizes a leave of absence from November 1, 2014 to November 30, 2014, for Transportation Advisory Commissioner Alvin Vaughn.

* * * * *

The foregoing Resolution _____ was adopted by the Tracy City Council on the 5th day of November, 2014, by the following vote:

- AYES: COUNCIL MEMBERS:
- NOES: COUNCIL MEMBERS:
- ABSENT: COUNCIL MEMBERS:
- ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

INTERIM CITY CLERK

AGENDA ITEM 1.C

REQUEST

AUTHORIZE AMENDMENT OF THE CITY'S CLASSIFICATION PLAN BY APPROVING REVISIONS TO THE CLASSIFICATION SPECIFICATION FOR COMMUNICATIONS UNIT SUPERVISOR

EXECUTIVE SUMMARY

This report recommends revising the Police Department's Communications Unit Supervisor classification specification. A classification review of the position recommends revising the classification, including clarifying existing responsibilities and removing the requirement of a P.O.S.T Public Safety Dispatcher certificate, which is no longer required for the position.

DISCUSSION

In January 2014, Human Resources conducted a recruitment for the vacancy of Communications Unit Supervisor in the Police Department. In subsequent discussions with the department, it was noted that the candidate pool was limited because of the P.O.S.T. Basic Public Safety Dispatcher Certificate requirement. As a result, no hire was made.

Prior to opening another recruitment, a class study was conducted to review applicable job duties and requirements, and ensure that the position accurately reflected the current needs of the department. The last classification revision was made in December 2010 when the Police Department was restructured and staffing levels adjusted. At the time, it was necessary that the Communications Unit Supervisor be able to dispatch 911 calls in emergency situations; however, the department has since reactivated its Lead Public Safety Dispatcher position, which can dispatch emergency 911 calls in place of the Communications Supervisor.

Therefore, it was recommended that the classification reflect that a P.O.S.T Basic Public Safety Dispatcher certificate is helpful, but not required for the position. This change better reflects the needs of the department and broadens the candidate pool to assist in the hiring process.

Classification Review Recommendation

The Human Resources Division recommends approval of the classification revisions to the Communications Unit Supervisor classification specification (attached).

STRATEGIC PLAN

This agenda item supports the City's Governance Strategy and Business Plan, and specifically implements the following goals and objectives:

Governance Strategy

Goal 1: Further develop an organization to attract, motivate, develop, and retain a high-quality, engaged, high-performing, and informed workforce.

Objective 1b: Affirm organizational values.

FISCAL IMPACT

There is no General Fund impact associated with the proposed classification revision.

RECOMMENDATION

That the City Council, by resolution, authorize the Administrative Services Director to amend the City's Classification Plan by approving the revision of the classification specification for the Communications Unit Supervisor.

Prepared by: Judy Carlos, Human Resources Analyst
Lani Smith, Police Support Operations Manager

Reviewed by: Jenny Haruyama, Administrative Services Director
Gary Hampton, Chief of Police

Approved by: Troy Brown, City Manager

Attachment: Exhibit A: Communications Unit Supervisor job description

COMMUNICATIONS UNIT SUPERVISOR

Class Title: Communications Unit Supervisor
Department: Police
EEO Code: 76
FLSA Status: Exempt

Class Code: 30623
Bargaining Unit: TMMBU
Effective Date: May 15, 2007
Revision History: 12/2010, 11/2014

DESCRIPTION

Under Direction of the Support Operations Manager, performs operational and administrative duties in overseeing all facets of daily operations of the Emergency Dispatch Communications Center; supervises Public Safety Dispatchers and other staff and/or duties as assigned.

DISTINGUISHING CHARACTERISTICS

This is a single position non-sworn supervisory classification assigned to the Police Department's Support Division, Communications Unit. The Communications Unit Supervisor performs such duties as employee supervision, training, performance evaluation, and disciplinary action when appropriate; serves on committees and as liaison with local, county, state and federal agencies on communications related issues; keeps abreast of changes in laws, regulations and technology; monitors use of equipment, coordinates repairs and maintenance as required; and coordinates the purchase and installation of new technology systems and equipment. The Communications Unit Supervisor is not a working supervisor, but must fully understand the essential functions of Public Safety Dispatching. The incumbent is often available via phone for off-hours assistance to staff.

The Communications Unit Supervisor receives supervision from the Support Operations Manager or other command staff, and provides supervision to Lead Public Safety Dispatchers, Public Safety Dispatchers I & II and other staff as assigned.

This classification is distinguished from the Lead Public Safety Dispatcher classification in that the latter performs emergency dispatch duties as its primary function and does not perform supervisory duties. The Communications Unit Supervisor is distinguished from the Support Operations Manager in that the latter oversees several sections in the Support Division, in addition to the Communications Unit.

EXAMPLES OF IMPORTANT AND ESSENTIAL DUTIES

Duties may include, but are not limited to, the following:

Assigns, directs, and reviews the work of Public Safety Dispatchers; provides guidance to staff, resolves questions and problems related to the on-going operations of the Communications Unit; helps to develop and assists with implementing policies and procedures

Evaluates work performance, prepares and signs employee performance reviews; works with employees to correct deficiencies; recommends and implements disciplinary procedures and actions; makes recommendations for merit increases and training.

Provides communications related staff training, in both the unit and the Department, either by preparing and conducting training or assigning qualified personnel to train new employees; ensures compliance of staff with Department of Justice requirements as well as updates from CLETS, NCIC and DMV; completes all required training related documentation

Serves as Department liaison with local, county, state and federal agencies related to communications operations; serves on committees such as Geographic Information Systems (GIS) Committee and Inter-operability communications committee.

Researches and recommends the acquisition of new or additional technology and equipment; works with vendors, service providers and others necessary in researching, recommending, purchasing, installing and maintaining phone systems, radio equipment, and other technology and equipment related to communication operations

Monitors requirements and deadlines to ensure compliance with radio agreements, licensing requirements and FCC regulations

Prepares and monitors Communications Unit budget; forecasts funds needed for overtime, equipment, supplies; administers approved budget

Makes independent decisions and authorizes actions in accordance with established Departmental procedures regarding dispatching; conveys emergency information, procedures, and policies to subordinates and the public

Prepares and maintains a variety of reports, records, and other written correspondence related to communications unit and dispatch functions, operations and administration

Investigates, resolves, or recommends action regarding service or personnel problems or complaints relating to public safety dispatching; interacts with a variety of people including employees, the public, vendors, and outside agency personnel

Maintains current knowledge of communications, computers, and related dispatch center equipment and systems, laws and regulations

Recommends and develops goals and objectives for the Communications Unit

Ensures compliance with City and Departmental rules, regulations, policies, and procedures

Performs related duties as assigned

MINIMUM QUALIFICATIONS

Knowledge of:

Modern public safety related communication and emergency dispatch supervision processes, requirements, techniques, practices and equipment

Principles and practices of employee supervision, training, performance evaluations, disciplinary procedures and relevant MOU provisions

Principles, practices, and procedures of public safety dispatch; the general functions of a law enforcement agency; FCC Rules and Regulations applying to Public Safety Radio Operators responsibilities; Applicable federal and state laws and regulations dealing with police communications

Principles and practices of municipal administration including budgeting and record keeping

Public Safety related computer and automated law enforcement systems, equipment and software

Ability to:

Supervise the operations and employees of the 911 emergency dispatch system to assure that all requirements and expected standards are met

Supervise staff including evaluate performance and provide effective training and performance improvement programs; recommend and administer discipline if needed; apply provisions of MOU and other relevant personnel policies and procedures

Determine the training needs of staff; train, or oversee the training of both new and experienced personnel in new techniques, policies, and procedures

Demonstrate positive and effective interpersonal skills with staff, the public, vendors, businesses, and others encountered during the course of performing duties

Research and recommend new or additional technology and equipment as needed

Interpret and explain pertinent statutes, court decisions, and City and Department policies

Develop and/or update and train various communications related policies and procedures for the Communications Unit; aids and assists with preparing and monitoring the Communications Unit budget

Communicate clearly and concisely, both orally and in writing; prepare staff reports as requested or assigned

Investigate complaints received involving staff and recommend corrective action as necessary to resolve the situations

Ensure compliance with City and Departmental rules, regulations, policies, and procedures

EDUCATION AND EXPERIENCE

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Two years of police communications experience with the City of Tracy or five years of law enforcement or communications experience

Two years of lead or supervisory experience

Education:

Equivalent to the completion of the twelfth grade, supplemented by college level course work in criminal justice, business administration, or a related field

LICENSES AND CERTIFICATES

Possession of, or ability to obtain, an appropriate, valid California Class C driver license.

Possession of the California P. O. S. T. Basic Public Safety Dispatching Certificate is desirable.

TOOLS AND EQUIPMENT USED

Communications equipment including a computer-aided dispatching system, radio, and telephone consoles; personal computer including word processing software; copy machine; fax machine; radio; and telephone logging equipment.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to walk, sit, talk, and/or hear. The employee is frequently required to use hands to finger, handle, feel, or operate objects, tools, or controls, and reach with hands and arms.

The employee must occasionally lift and/or move up to 50 pounds. Specific vision abilities required by this job include close vision, color vision, and the ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. The noise level in the work environment is usually quiet.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

This job description does not constitute an employment agreement between the City of Tracy and the employee and is subject to change by the City as the needs of the City and/or the requirements of the job change

RESOLUTION _____

AUTHORIZE AMENDMENT OF THE CITY'S CLASSIFICATION PLAN BY APPROVING
THE REVISION OF A CLASSIFICATION SPECIFICATION FOR COMMUNICATIONS
UNIT SUPERVISOR

WHEREAS, The City has Classification and Compensation Plans, and

WHEREAS, The City has completed classification reviews to establish classification specifications.

NOW, THEREFORE, BE IT RESOLVED, that the City Council authorizes the Administrative Services Director to amend the City's Classification Plan to reflect the revised classification specifications for Communications Unit Supervisor.

The foregoing Resolution _____ was adopted by the Tracy City Council on the 5th day of November, 2014, by the following votes:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Mayor

ATTEST:

City Clerk

AGENDA ITEM 1.D

REQUEST

AWARD A CONSTRUCTION CONTRACT TO TEICHERT CONSTRUCTION OF STOCKTON, CALIFORNIA, FOR RECONSTRUCTION OF TRACY MUNICIPAL AIRPORT RUNWAYS 12-30 AND 8-26, AND RECONSTRUCTION OF TAXIWAYS A, B, D, AND E, INCLUDING RUNWAY/TAXIWAY INTERSECTIONS SCHEDULE A AND SCHEDULE B, PROJECT CIP 77037, AIP NO. 3-06-0259-16, APPROVE TASK ORDER NO. 4 WITH REINARD BRANDLEY, AIRPORT CONSULTING SERVICES, AUTHORIZE AN APPROPRIATION OF FUNDS AND AUTHORIZE THE MAYOR TO EXECUTE THE TASK ORDER AND CONTRACT

EXECUTIVE SUMMARY

City Council is requested to award a construction contract to Teichert Construction for the reconstruction of Tracy Municipal Airport Runways and Taxiways and approve Task Order No. 4 to Reinard Brandley, Airport Consulting Services, to provide professional services during construction.

DISCUSSION

Last year the City acquired the services of Reinard Brandley, Airport Consulting Services, to complete a Pavement and Management Plan (PMMP) for the Tracy Municipal Airport. After completion of the PMMP, Federal Aviation Authority (FAA) reviewed the Plan and authorized the City to start design of the runways and taxiways improvements. At the same time the City updated the Airport Layout Plan (ALP). These tasks were generally completed with FAA grant funding with small matching funds from the City.

After completion of the ALP, the FAA approved grant funding in the amount of \$6,413,635 towards completion of the runway and taxiways improvements at the Tracy Municipal Airport. This amount represents ninety percent of the total project cost initially estimated at \$7,126,261, and submitted for approval from the FAA. As ninety percent of the cost is funded from the FAA, the remaining ten percent matching cost is the City's responsibility.

The project design, improvement plans, specifications, and cost estimates (PSE) for the project has been completed. The estimated cost of the project, based upon the improvements plans, is now estimated to be approximately \$8 million. Due to uncertainty of the bid amount and the lack of funding, the bid documents were prepared to include a base bid with three additive alternates as outlined below. This was done to allow flexibility to award the construction contract for a certain available budgeted amount.

Base Bid: Improvements to Runway 12-30
Additive Alt 1: Improvements to Runway 8-26
Additive Alt 2: Installation of Lights – Portions of Taxiway A & B
Additive Alt 3: Installation of Lights – Runway 8-26 & remaining lights on Taxiway A

The project was advertised for competitive bids on July 18, and July 25, 2014. Seven bids were received and publically opened at 2:00 p.m. on Thursday, August 13, 2014, with the following results:

Bidder	Base Bid	Add. 1	Add. 2	Add.3	Base + 1	Base + 2	Base +1,2,3
Teichert	\$4,298,429	\$1,982,940	\$43,855	\$33,030	\$6,281,369	\$4,342,284	\$6,358,254
O.C Jones	\$4,523,220	\$2,122,576	\$35,050	\$26,550	\$6,645,796	\$4,558,270	\$6,707,396
DeSilva Gates	\$4,457,281	\$2,209,385	\$40,700	\$30,825	\$6,666,666	\$4,497,981	\$6,738,191
Ghilotti	\$4,499,190	\$2,196,110	\$49,800	\$37,800	\$6,695,300	\$4,548,990	\$6,782,900
Granite	\$4,653,710	\$2,157,820	\$39,360	\$29,835	\$6,811,530	\$4,693,070	\$6,880,725
Granite Rock	\$4,516,550	\$2,437,625	\$34,743	\$26,298	\$6,954,175	\$4,551,293	\$7,015,216

Teichert Construction Company of Stockton, California is the lowest monetary bidder. The bid analysis indicates the lowest bid is responsive and the bidder is responsible. Teichert Construction Company has the appropriate contractor's license in active standing and has completed similar projects for the City of Tracy and other public agencies.

The total cost of the project, if awarded to the lowest bidder with base bid and all three additive alternatives is as follows:

<u>Description</u>	<u>Base Bid</u>
Construction Bid Including Additive Bid Item	\$6,358,254
Engineering During Bid and Award	50,000
Engineering During Construction & Project Closeout	70,000
Project Management including Resident Engineering, Testing and Inspection Administration	440,000
Contingency	<u>953,738</u>
• Total Construction Cost	\$7,899,666
• Additional Cost of Consultant Services During Construction	<u>\$560,000</u>
• Total Project Costs	\$8,459,666
• Available Grant Funds	\$6,413,635
• Available Budgeted Funds from CIP	\$417,000
• Additional Funds Required for Construction	\$1,629,031

Services of a consultant will be required during construction of this project to provide inspections, coordination with the FAA, construction management and closure of this project. Task Order No. 4 to the Master Professional Services Agreement with Reinard

Brandley, Airport Consulting Services, for a not to exceed amount of \$560,000, is added to the project cost.

The additional funding of \$1,629,031, required to complete this project includes the construction contingency amount of \$953,738. The FAA did not allow for a contingency amount in the original grant. However, it is customary for the FAA to issue grant modifications at the completion of the project to cover any additional costs that are expended due to unforeseen conditions. In such event, the FAA will only approve ninety percent of the contingency amount. As a result, the grant may be modified to include an additional \$858,364 (90% of \$953,738).

Assuming the FAA grant will be modified to include the contingency amount, the City's share for matching funds will be ten percent of the total cost. The status of City funds is as follows:

• City's Matching Fund: (10% of the total cost)	\$845,966
• Available CIP Fund:	<u>\$417,000</u>
City's Additional Matching Share	\$428,966

As noted above, the City's additional matching fund for the project is estimated to be \$428,966. However, in order to complete construction of the project and avoid multiple appropriations to pay each time for any changes in the scope due to unforeseen conditions during construction, an appropriation of \$1,629,031 is needed from General Project Fund 301. The City will receive additional grant funding from the FAA as follows:

• Total Project Cost	\$8,459,666
• FAA Eligible Grant (90%)	\$7,613,699
• Existing FAA Grant Funding	\$6,413,635
• Additional FAA Grant anticipated at close of the project (\$7,613,699 - \$6,413,635)	\$1,200,064

The City is also pursuing State airport grants which will offset the City's additional matching share of \$428,966.

STRATEGIC PLAN

The agenda item is a routine operational item and is not related to the Council's Strategic Plans.

FISCAL IMPACT

The project is an approved Capital Improvement Project - CIP 77037, with available funding of \$417,000. The project is ninety percent funded from a FAA grant with the City matching the remaining ten percent cost. Additional funding in the amount of

\$428,966 needs to be transferred from the General Project Fund 301 to make up for the City's matching fund for this project as follows, thus impacting the General Fund:

<u>Transfer From</u>	<u>Amount</u>	<u>Transfer To</u>
General Project Fund 301	\$428,966	CIP 77037

In addition, an appropriation of \$1,629,031 is needed to complete construction of this project with anticipation of receiving additional grant funding from the FAA with the net impact to the General Fund for the amount of \$428,966.

RECOMMENDATION

That City Council, by resolution, award a construction contract to Teichert Construction of Stockton, California, for the Runway/Taxiway Intersection, Schedule A and Schedule B, CIP 77037, AIP NO. 3-06-0259-16, in the amount of \$6,358,254, authorize a contingency amount of \$953,738 to be executed by the City Manager if needed, approve Task Order No. 4 to the Master Professional Services Agreement with Reinard Brandley, Airport Consulting Services, for a not to exceed amount of \$560,000, authorize an appropriation of \$1,629,031, and authorize the Mayor to execute the construction contract.

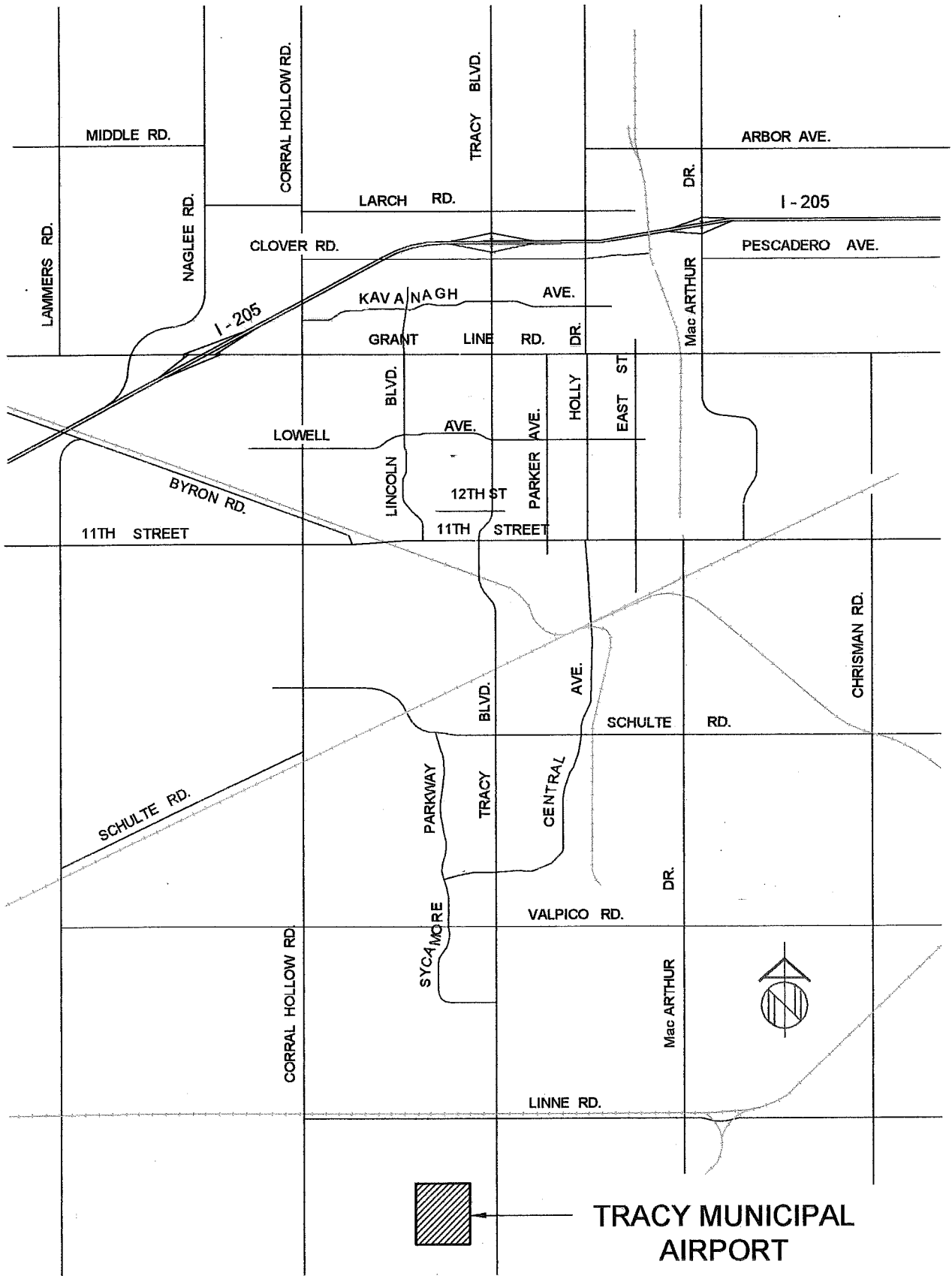
Prepared by: Zabih Zaca, Senior Civil Engineer
Ed Lovell, Management Analyst II,

Reviewed by: Kul Sharma, Interim City Engineer
Andrew Malik, Development Services Director
Maria A. Hurtado, Assistant City Manager

Approved by: Troy Brown, City Manager

ATTACHMENT

Attachment A: Location Map



LOCATION MAP

N.T.S.

RESOLUTION _____

AWARDING A CONSTRUCTION CONTRACT TO TEICHERT CONSTRUCTION OF STOCKTON, CALIFORNIA, FOR RECONSTRUCTION OF TRACY MUNICIPAL AIRPORT RUNWAYS 12-30 AND 8-26, AND RECONSTRUCTION OF TAXIWAYS A, B, D, AND E, INCLUDING RUNWAY/TAXIWAY INTERSECTIONS SCHEDULE A AND SCHEDULE B, PROJECT CIP 77037, AIP NO. 3-06-0259-16, APPROVING TASK ORDER NO. 4 WITH REINARD BRANDLEY, AIRPORT CONSULTING SERVICES, AUTHORIZING AN APPROPRIATION OF FUNDS AND AUTHORIZING THE MAYOR TO EXECUTE THE TASK ORDER AND CONTRACT

WHEREAS, The City acquired the services of Reinard Brandley, Airport Consulting Services, to complete a Pavement and Management Plan for the Tracy Municipal Airport, and

WHEREAS, The Federal Aviation Authority reviewed the Plan and authorized the City to start the design of the runways and taxiways improvements, and

WHEREAS, The project design, improvement plans, specifications, and cost estimates for the project has been completed, and

WHEREAS, The project was advertised for competitive bids on July 18, and July 25, 2014, and seven bids were received, and

WHEREAS, Teichert Construction Company of Stockton, California is the lowest monetary bidder. The bid analysis indicates the lowest bid is responsive and the bidder is responsible, and

WHEREAS, The total cost of the project, if awarded to the lowest bidder with base bid and all three additive alternatives is as follows:

<u>Description</u>	<u>Base Bid</u>
Construction Bid Including Additive Bid Item	\$6,358,254
Engineering During Bid and Award	50,000
Engineering During Construction & Project Closeout	70,000
Project Management including Resident Engineering, Testing and Inspection Administration	440,000
	27,674
Contingency	<u>953,738</u>
Total Construction Cost	\$7,899,666
Additional Cost of Consultant Services During Construction	<u>\$560,000</u>
Total Project Costs	\$8,459,666
Available Grant Funds	\$6,413,635
Available Budgeted Funds from CIP	\$417,000
Additional Funds Required for Construction	\$1,629,031

WHEREAS, Services of a consultant will be required during construction of this project to

provide inspections, coordination with the FAA, construction management and closure of this project, and

WHEREAS, Task Order No. 4 to the Master Professional Services Agreement with Reinard Brandley, Airport Consulting Services, for a not to exceed amount of \$560,000, is added to the project cost, and

WHEREAS, In order to complete construction of the project and avoid multiple appropriations to pay each time for any changes in the scope due to unforeseen conditions during construction, an appropriation of \$1,629,031 is needed from General Project Fund 301, and

WHEREAS, The project is an approved Capital Improvement Project - CIP 77037, with available funding of \$417,000, and

WHEREAS, Additional funding in the amount of \$428,966 needs to be transferred from the General Project Fund 301, and

WHEREAS, An appropriation of \$1,629,031 is needed to complete construction of this project;

NOW, THEREFORE, BE IT RESOLVED, That City Council awards a construction contract to Teichert Construction of Stockton, California, for the Runway/Taxiway Intersection, Schedule A and Schedule B, CIP 77037, AIP NO. 3-06-0259-16, in the amount of \$6,358,254, authorizes a contingency amount of \$953,738 to be executed by the City Manager if needed, approves Task Order No. 4 to the Master Professional Services Agreement with Reinard Brandley, Airport Consulting Services, for a not to exceed amount of \$560,000, authorizes an appropriation of \$1,629,031, and authorizes the Mayor to execute the construction contract.

The foregoing Resolution _____ was adopted by the City Council of the City of Tracy on the 5th day of November, 2014, by the following votes:

AYES: CITY COUNCIL MEMBERS:

NOES: CITY COUNCIL MEMBERS:

ABSENT: CITY COUNCIL MEMBERS:

ABSTAIN: CITY COUNCIL MEMBERS:

MAYOR

ATTEST:

INTERIM CITY CLERK

AGENDA ITEM 3

REQUEST

**PUBLIC HEARING TO ADOPT THE FINANCE PLAN UPDATE FOR THE I-205
SPECIFIC PLAN PARCEL GL-27**

EXECUTIVE SUMMARY

The Finance Plan for the GL-27 property which is located at the corner of Grant Line and Naglee Roads is being updated to reflect the addition of the park and ride lot. At this time, the City is considering converting this lot into a commercial site and providing park and ride facilities at alternative locations. The finance plan is being updated to reflect the addition of this project as well as fees for the additional water and sewer capacity.

DISCUSSION

The GL-27 property is located at the corner of Grant Line and Naglee Roads. On April 19, 2005, the finance plan for this parcel was adopted by Resolution 2005-104.

The finance plan originally covered the parcels created after construction of the Park and Ride lot (2.78 acres) and the City well (0.30 acres).

At this time, the City is considering moving forward with development on the park and ride lot portion. To accommodate this potential development, the finance plan is being updated to include the 2.78 acre park and ride lot. The GL-27 parcel is being split into three sub-parcels: Parcel 1 which is 1.23 net acres and contains Texas Roadhouse; Parcel 2 which is 0.94 acres and currently vacant; and Parcel 3 which is 2.57 net acres and contains the park and ride lot. This finance plan will cover the obligations of all three parcels though Parcel 1 has already developed and paid their fees.

The obligations of the parcel were updated to reflect the cost of additional water and sewer that will be required as a result of the development of this parcel. In addition, the acreage of Parcel 2 was reduced to reflect the actual site acreage.

STRATEGIC PLAN

This agenda item supports Objective 1(c) of the Economic Development Strategic Plan which ensures quality infrastructure to meet future development needs

FISCAL IMPACT

There is no impact on the General Fund. I-205 Specific Plan developers are responsible to pay for the infrastructure required to mitigate the impacts of development in the I-205 Specific Plan area.

RECOMMENDATION

That City Council, by resolution, adopt the Finance Plan Update for GL-27.

Prepared by: Alison Bouley, Consulting Engineer, Harris & Associates
Kul Sharma, Interim City Engineer

Reviewed by: Andrew Malik, Development Services Director
Maria A. Hurtado, Assistant City Manager

Approved By: Troy Brown, City Manager

Attachments:

Attachment A: Finance Plan Update

CITY OF TRACY

FINANCE PLAN UPDATE FOR THE GL-27 PARCEL (approximately 4.81 net acres) November 5, 2014

I. Introduction

The GL-27 property is located at the corner of Grant Line and Naglee Roads. In April of 2005, the finance plan for this parcel was adopted by Resolution 2005-104.

The finance plan originally covered the parcels created after construction of the Park and Ride lot (2.78 acres) and the City well (0.30 acres).

At this time, the City is considering moving forward with development on the Park and Ride Lot portion. To accommodate this potential development, the finance plan is being updated to include the 2.78 acre park and ride lot. The GL-27 parcel is being split into three (3) sub-parcels, Parcel 1, which is 1.23 net acres and contains Texas Roadhouse, Parcel 2, which is 0.94 acres and currently vacant, and Parcel 3, which is 2.57 net acres and contains the Park and Ride lot. This finance plan will cover the obligations of all three parcels. The parcels are shown on Figure 1.

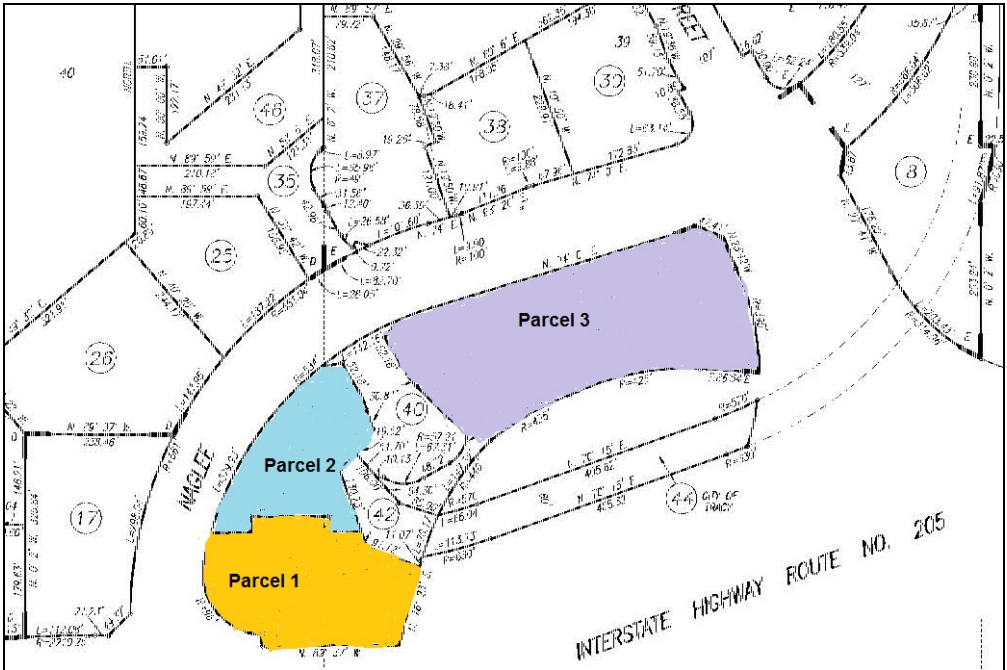


Figure 1

The obligations of the parcel were updated to reflect the cost of additional water and sewer that will be required as a result of the development of this parcel. In addition, the parcel

acreage of Parcel 2 was reduced to reflect the current site acreage. Because of other site constraints on this parcel, it was also determined that the demands of this site are not as high as originally anticipated. For this reason, this parcel was assigned a reduced obligation. The reduced demands from Parcel 2, were used to help offset the additional demands generated from Parcel 3 with the potential conversion to general commercial.

This Finance Plan does not include various processing and on-site and off-site inspection fees that will apply to the development of the subject Parcel. The fees will depend on the value of construction, land area, type of development and other factors. The Community Development and Public Works Departments should be contacted for more information.

This Finance Plan provides financing for all of the program costs of the development associated with the GL-27 Parcel. However, this Finance Plan does not supersede or relieve the developer of any requirements of the approved parcel map, Preliminary Development Plan / Final Development Plan conditions, development conditions, approved tentative map and approved tentative map conditions.

II. Specific Financing Plan – GL-27 Parcel

This section constitutes the specific financing plan for the development of the remaining GL-27 Parcel. The GL-27 parcel is split into three sub parcels. Parcel 1 has already developed and paid their obligation.

This finance plan for the GL-27 parcel provides funding by one method only; cash payment prior to securing the first building permit for each parcel.

The following section describes the various facilities that these parcels fund:

1. Road Circulation “Thoroughfare”

The “thoroughfare” portion of the roadway is the center portion of all roads designated within the Specific Plan which exceed 64 feet in width from curb face to opposing curb face.

2. Intersection & Signals

Intersection improvements and new signalization are elements of the Specific Plan.

3. Sanitary Sewer Treatment

Expansion of the City’s wastewater treatment plant.

4. Sanitary Sewer Collection

Construction of new sanitary sewer collection lines.

5. Water Distribution

Water mains in Naglee Road, and water mains south of I-205 to Grant Line Road.

6. Water Distribution (Off-site)

Water main in Corral Hollow Road, pump station, storage reservoir and backup generator.

7. Water Supply

In order to secure adequate future water supply for the I-205 area, additional water supplies needed to be acquired. Due to the shifting of project funds from CIP 7514 under water supply to CIP 7533 under off-site water distribution and to 7532 under water treatment/storage during the 2000 update, there is a credit to the Parcel 1 property. This credit offsets their obligation of water distribution and water treatment/storage.

8. Water Treatment / Storage

I-205 Specific Plan area is responsible for water capacity of approximately 4.5 MGD by one of several options including expansion of the existing WTP or participation in the SSJID Project and providing additional emergency storage, transmission water lines and other appurtenances.

9. Storm Drains

Construct storm drainage facilities to serve the parcel.

10. Irrigation (NBID) Relocation

Relocation of the NBID irrigation.

11. Downtown Assistance

The I-205 Plan provides economic assistance to Tracy's downtown area to provide economic planning and promotion to effectively compete with the I-205 commercial area.

12. Park & Ride

The need for a Park and Ride facility.

13. Air Quality Mitigation

This fee will be used to construct an air quality monitoring facility in the

I-205/Grant Line Road area.

14. Swainson Hawk Mitigation

This fee will finance the foraging ground replacement as required by the Department of Fish and Game.

15. Fire / Public Works Capital

Participation in a new fire station in the I-205 area.

16. Agricultural Conversion Fee

This fee was established by the Local Agency Formation Commission as a condition of the property annexation to the City of Tracy.

17. Contingency

The obligation for construction contingency (15%).

18. Design & Construction Inspection

The obligation for design and construction inspection (15%).

19. Program Management

This fee, based on parcel acreage, will be used for on-going Program Management costs.

B. Cash Payment Prior To Securing Building Permit

The fees shall be paid prior to securing issuance of the first Building permit on each parcel from the City of Tracy.

This amount will be adjusted annually with the Engineering News Record (ENR) most current construction cost index on January 1st of each year beginning on January 1, 2016, until such time as the building permit is issued and the fees are paid.

Exhibit A
Summary of GL-27 Obligation

	Parcel 1	Parcel 2	Parcel 3	Total
	Fees Paid			
Acreage	1.23	0.94	2.57	4.74
Net Usable Acres:	1.23	0.47	2.57	4.27
ITEMS				
Road Circulation	\$157,930	\$ 44,253	\$ 139,915	\$ 342,098
Freeway Interchange	\$0	\$ -	\$ -	\$ -
Intersection & Signals	\$6,968	\$ 1,952	\$ 6,173	\$ 15,094
Sub-Total Road Costs	\$164,897	\$ 46,206	\$ 146,088	\$ 357,190
Sanitary Sewer Treatment	\$51,414	\$ 9,040	\$ 49,429	\$ 109,882
Sanitary Sewer Collection	\$10,327	\$ 1,673	\$ 9,149	\$ 21,149
Water Distribution (on-site)	\$6,565	\$ 1,064	\$ 5,816	\$ 13,445
Water Distribution (off-site)	\$58,173	\$ 9,425	\$ 51,538	\$ 119,136
Water Supply (9)	(\$32,913)	\$ (4,157)	\$ (22,729)	\$ (59,798)
Water Treatment / Storage	\$67,028	\$ 12,997	\$ 71,068	\$ 151,093
Storm Drains	\$666	\$ 108	\$ 590	\$ 1,364
Irrigation (NBID)	\$5,060	\$ 820	\$ 4,482	\$ 10,362
Downtown Assistance	\$734	\$ 119	\$ 650	\$ 1,503
Park & Ride	\$1,102	\$ 179	\$ 976	\$ 2,257
Air Quality	\$63	\$ 10	\$ 56	\$ 129
Swainson Hawk	\$2,143	\$ 347	\$ 1,899	\$ 4,389
Fire / Public Works Capital	\$11,965	\$ 6,871	\$ 37,571	\$ 56,407
Agricultural Conversion Fee	\$204	\$ 33	\$ 181	\$ 418
TOTAL DISTRICT DIRECT COSTS	\$347,429	\$ 84,734	\$ 356,764	\$ 788,927
Contingency (15%)*	\$56,580	\$ 13,257	\$ 56,506	\$ 126,343
Design & Construction Fees (15%)*	\$56,580	\$ 13,257	\$ 56,506	\$ 126,343
TOTAL CONST., DESIGN & CONTING **	\$460,588	\$ 111,249	\$ 469,776	\$ 1,041,612
Credit from CFD 91-1 Overlap (3)		\$ -	\$ -	\$ -
Soundwall - Corral Hollow Rd @ Greenleaf		\$ -	\$ -	\$ -
Program Management		\$ 4,237	\$ 17,838	\$ 22,075
Credit for Land Dedication for well (8)	\$8,226	\$ -	\$ -	\$ 8,226
TOTAL NET COST	\$468,815	\$ 115,485	\$ 487,614	\$ 1,071,914
TOTAL COST/NET ACRE	\$381,150	\$ 123,119	\$ 189,733	\$ 251,033.72
TOTAL COST/SQ. FT. OF LAND	\$8.75	\$ 2.83	\$ 4.36	\$ 5.76

RESOLUTION _____

ADOPTING THE FINANCE PLAN UPDATE FOR THE I-205 SPECIFIC PLAN
PARCEL GL-27

WHEREAS, The City adopted the finance plan for the GL-27 parcel by City Council Resolution 2005-104 on April 19, 2005, and

WHEREAS, The parcel is part of the I-205 program area and is subject to the fees as established through the I-205 cost allocation spreadsheet and subsequent finance plans, and

WHEREAS, Parcel 1 has paid their fees in accordance with the finance plan, and

WHEREAS, The GL-27 parcel consists of 4.74 acres, and

WHEREAS, Parcel 3 contains the park and ride lot which the City is considering developing as a commercial site, and

WHEREAS, The project is being required to pay additional fees to mitigate their impacts to the water and wastewater system, and

WHEREAS, The City adopted Citywide master plan fees on January 7, 2014, by Resolution 2014-010, and

WHEREAS, The Citywide fees form the basis for the additional water and sewer impact fees, and

WHEREAS, The Finance Plan Update summarizes the fees that must be paid by the parcels in order to mitigate their impacts to the City's infrastructure, and

WHEREAS, Staff is authorized to update the development impact fees with the Engineering News Record (ENR) Construction cost Index for San Francisco on a semi-annual basis using the January 2016 index as the initial index, pursuant to Section 13.04.070(a) of the Tracy Municipal Code;

NOW, THEREFORE, BE IT RESOLVED, That City Council does hereby adopt and approve the Finance Plan Update for the 4.74 acre GL-27 parcel.

The foregoing Resolution 2014-_____ was adopted by the Tracy City Council on the 5th day of November, 2014, by the following votes:

AYES: CITY COUNCIL MEMBERS:

NOES: CITY COUNCIL MEMBERS:

ABSENT: CITY COUNCIL MEMBERS:

ABSTAIN: CITY COUNCIL MEMBERS:

MAYOR

ATTEST:

INTERIM CITY CLERK

AGENDA ITEM 4

REQUEST

**PUBLIC HEARING TO ADOPT THE FINANCE PLAN UPDATE FOR THE I-205
SPECIFIC PLAN PARCELS GL-3A AND GL-3B ALSO REFERRED TO AS THE
“NORTH PARCEL”**

EXECUTIVE SUMMARY

The Finance Plan for the 10.8 acre “North Parcel” which is located on the north side of Pavilion Parkway is being updated at this time to reflect the land use change from a commercial site to a high density residential site containing 301 units. The finance plan is being updated to add additional water, sanitary sewer and park costs that will be generated by the land use change. In addition, the communication tower fee is being added. The I-205 Specific Plan allows adoption of a Finance Plan for development of properties. The Finance Plan identifies the development impact fees including timing of payment of these fees.

DISCUSSION

This finance plan covers financing for the 10.8 acre parcel south of Pavilion Parkway, Assessor Parcel Number (APN) 212-280-18, where the Winco retail grocery store was built as well as another 10.8 acre site known as the “North Parcel” located on the north side of Pavilion Parkway, APNs 212-280-15 (6.69 acres) and 212-280-02 (4.11 acres).

The finance plan was adopted on September 16, 2008, by Resolution 2008-185. The Winco site has fully developed. At this time, an update to the finance plan is needed due to the fact that the “North Parcel” is proceeding forward with a land use change. The original parcel consisted of a mixture of general commercial, service commercial and light industrial. It is now being converted to a high density residential (HDR) site. Three hundred and one units are proposed on this 10.8 acre site.

These two parcels are part of the I-205 Development Area under which all parcels’ fair share obligations were determined through a cost allocation spreadsheet. As part of the EIR for these projects, roadways and intersection impacts are already identified as part of the mitigations established at the time of development of the Winco parcel. The developments are required to pay their fair share cost obligation through a finance plan. The “North Parcel” consists of 6.69 acres that are part of the GL-3b finance plan and the remaining 4.11 acres are part of the GL-3a finance plan.

Due to the land use change the development is required to mitigate their additional impacts on the City’s infrastructure system. It was determined that they would need to fund an additional \$21,000 in water distribution improvements, \$565,150 in additional sanitary sewer treatment costs, and \$80,000 for additional water supply. There is no additional impact to the roadway network.

In addition, the project must mitigate their park impacts by paying the Citywide Master Plan park fee that was adopted on January 7, 2014, by Resolution 2014-010. The high-density residential park fee is \$5,038 per unit. This equates to \$1,516,438 for 301 units.

On September 16, 2014, by resolution 2014-158, the City adopted updated Public Safety Impact Fees to fund the cost of a necessary new communications tower. The adopted fee is \$45.21 per high density unit. All new developments in the City will be responsible for paying these fees. This totals \$13,608 for 301 units. These fees are being added to the finance plan at this time.

The obligations set forth in the finance plan are subject to update on January 1, of each year.

STRATEGIC PLAN

This agenda item supports Objective 1(c) of the Economic Development Strategic Plan which ensures quality Infrastructure to meet future development needs

FISCAL IMPACT

There is no impact on the General Fund. I-205 Specific Plan developers are responsible to pay for the infrastructure required to mitigate the impacts of development in the I-205 Specific Plan area.

RECOMMENDATION

That City Council, by resolution, adopt the Finance Plan Update for the I-205 GL-3a and GL-3b parcels known as the "North Parcel".

Prepared by: Alison Bouley, Consulting Engineer, Harris & Associates
Kul Sharma, Interim City Engineer

Reviewed by: Andrew Malik, Development Services Director
Maria A. Hurtado, Assistant City Manager

Approved By: Troy Brown, City Manager

Attachments:

Attachment A: Finance Plan Update

CITY OF TRACY

FINANCE PLAN UPDATE FOR THE 10.8 ACRE NORTH PARCEL
APN 212-280-15 AND 212-280-02
I-205 GL-3a AND GL-3b PARCELS
October 15, 2014

On September 16, 2008, the finance plan for Winco and the “North Parcel” was adopted by Resolution 2008-185. Winco has since paid their fees and developed their property. The “North Parcel” has not yet developed and at this time, is proceeding forward with a land use change. This change triggers the need for a finance plan update for the “North Parcel”.

The “North Parcel” consists of the 10.8 acres north of Pavilion Parkway, APN’s 212-280-15 and 212-280-02. 6.69 acres of this parcel were part of the original GL-3b finance plan and the remaining 4.11 acres were part of the original GL-3a finance plan.

The “North Parcel” was previously studied as a mixture of general commercial, service commercial and light industrial and is now being converted to a high density residential (HDR) project. 301 units are proposed on the 10.8 acre site.

The “North Parcel” is part of the I-205 Development Area under which all parcels’ fair share obligations were determined through a cost allocation spreadsheet, the most current is referred to as Spreadsheet #47 and was adopted on June 19, 2007.

Due to the landuse change the development is required to mitigate their additional impacts on the system. Per the project’s condition of approval, it was determined that they would need to fund \$21,000 in water distribution improvements, \$565,150 in additional sanitary sewer treatment costs, and \$80,000 for additional water supply.

In addition, the project must mitigate their park impacts by paying the city wide master plan park fee that was adopted on January 7, 2014 by resolution 2014-10. The high-density residential fee is \$5,038 per unit. This equates to \$1,516,438 for 301 units.

On September 16, 2014 by resolution 2014-158, the City adopted updated Public Safety Impact Fees to fund the cost of a necessary new communications tower. The adopted fee is \$45.21 per high density unit. All new developments in the City will be responsible for paying these fees. This totals \$13,608 for 301 units. These fees are being added to the finance plan at this time.

Table 1 summarizes the total costs of the North Parcel and the associated fee per high density residential unit.

Table 4

Parcel:	I-205 SS # 47		Total SS#47	Additional Fees for conversion to 301 HDR Units	Cost Source	Total Fee	
	212-280-15	212-280-02 ¹					
	K & L	M					
	I-205 Designation	GL-3b					GL-3a
	Landuse	GC/SC/LI					GC/SC/LI
Acreage:	6.69	4.11					
Impact Fees:							
Road Circulation:	\$ 350,425	\$ -	\$ 350,425	\$ -		\$ 350,425	
Freeway Interchange:	\$ -	\$ -	\$ -	\$ -		\$ -	
Intersection & Signals:	\$ 15,616	\$ -	\$ 15,616	\$ -		\$ 15,616	
Mitigation Measures	\$ 1,015,071	\$ 623,609	\$ 1,638,680			\$ 1,638,680	
B. Water Distribution (off-site):	\$ 199,188	\$ 18,249	\$ 217,436	\$ 21,000	Conditions	\$ 238,436	
D. Water Treatment / Storage:	\$ 229,645	\$ -	\$ 229,645			\$ 229,645	
Storm Drains:	\$ 5,192	\$ -	\$ 5,192	\$ -		\$ 5,192	
Irrigation (NBID):	\$ 37,016	\$ -	\$ 37,016	\$ -		\$ 37,016	
Entries & Gateways: (1)	\$ -	\$ -	\$ -	\$ -		\$ -	
Parks & Mini-Parks:	\$ -	\$ -	\$ -	\$ 1,516,438	masterplan	\$ 1,516,438	
Fire / Public Works Capital:	\$ 50,229	\$ -	\$ 50,229	\$ 13,608		\$ 63,837	
Credit From CFD 91-1 Overlap	\$ (10,929)	\$ -	\$ (10,929)	\$ -		\$ (10,929)	
Program Management	\$ 60,351	\$ -	\$ 60,351			\$ 60,351	
Utility Undergrounding*	\$ 14,334	\$ -	\$ 14,334	\$ -		\$ 14,334	
A. Water Distribution (on-site):	\$ 926	\$ -	\$ 926			\$ 926	
B. Sanitary Sewer Collection:	\$ 32,360	\$ 2,091	\$ 34,451			\$ 34,451	
A. Sanitary Sewer Treatment:	\$ 160,131	\$ 67,204	\$ 227,335	\$ 565,150	Conditions	\$ 792,485	
C. Water Supply	\$ (112,569)	\$ 38,701	\$ (73,868)	\$ 80,000	Conditions	\$ 6,132	
Down town Assistance:	\$ 5,384	\$ 5,167	\$ 10,551	\$ -		\$ 10,551	
Park & Ride:	\$ 8,078	\$ 4,405	\$ 12,483	\$ -		\$ 12,483	
Air Quality:	\$ 458	\$ 266	\$ 724	\$ -		\$ 724	
Swainson Hawk:	\$ 15,726	\$ 12,642	\$ 28,367	\$ -		\$ 28,367	
A. Agricultural Conversion Fee:	\$ 1,499	\$ 1,054	\$ 2,553	\$ -		\$ 2,553	
Contingency Fee (15%):	\$ 163,321	\$ 18,778	\$ 182,098			\$ 182,098	
Design & Construction Fees: (15%)	\$ 163,321	\$ 18,778	\$ 182,098			\$ 182,098	
Street C Frontage Costs	\$ -	\$ 58,123	\$ 58,123	\$ -		\$ 58,123	
On-Site Street B Signals	\$ 34,690	\$ -	\$ 34,690	\$ -		\$ 34,690	
Total Impact Fees	\$ 2,439,462	\$ 869,066	\$ 3,308,528	\$ 2,196,196		\$ 5,504,724	

Fee/Unit= \$ 18,288.12

Notes:

¹ Many of the costs associated with this parcel were paid through an assessment District.

RESOLUTION _____

APPROVING THE FINANCE PLAN UPDATE FOR THE 10.8 ACRE "NORTH PARCEL", APN 212-280-15 AND 212-280-02, PART OF THE I-205 GL-3A AND GL-3B PARCELS

WHEREAS, The City adopted the finance plan for Winco and the "North Parcel" by City Council Resolution 2008-185, on September 16, 2008, and

WHEREAS, The parcel is part of the I-205 program area and is subject to the fees as established through the I-205 cost allocation spreadsheet and subsequent finance plans, and

WHEREAS, The Winco parcel has paid their fees in accordance with the finance plan, and

WHEREAS, The North Parcel consists of 10.8 acres consisting of APN's 212-280-15 and 212-280-02, and

WHEREAS, The "North Parcel" is proceeding forward with a land use change from a commercial site to a high density residential project consisting of 301 units, and

WHEREAS, The project is being required to pay additional fees to mitigate their impacts to the water and wastewater system, and

WHEREAS, The City adopted Citywide master plan fees on January 7, 2014, by Resolution 2014-010, and

WHEREAS, The Citywide fees form the basis for the park impact fees, and

WHEREAS, The Finance Plan Update summarizes the fees that must be paid by the "North Parcel" in order to mitigate their impacts to the City's infrastructure, and

WHEREAS, Staff is authorized to update the development impact fees with the Engineering News Record (ENR) Construction cost Index for San Francisco on a semi-annual basis using the January 2014 index as the initial index, pursuant to Section 13.04.070(a) of the Tracy Municipal Code;

NOW, THEREFORE, BE IT RESOLVED, That City Council does hereby adopt and approve the Finance Plan Update for the 10.8 acre North Parcel, APN 212-280-15 and 212-280-02 part of the I-205 GL-3a and GL-3b parcels.

The foregoing Resolution _____ was adopted by the City Council of the City of Tracy on the 5th day of November, 2014, by the following votes:

AYES: CITY COUNCIL MEMBERS:

NOES: CITY COUNCIL MEMBERS:

ABSENT: CITY COUNCIL MEMBERS:

ABSTAIN: CITY COUNCIL MEMBERS:

MAYOR

ATTEST:

INTERIM CITY CLERK

AGENDA ITEM 5

REQUEST

RECEIVE STATUS REPORT ON THE (1) NEGOTIATIONS WITH WILD RIVERS, (2) PINKIE PHILLIPS AQUATICS CENTER TRANSITION PLAN, AND (3) JOE WILSON POOL RECONSTRUCTION SCHEDULE AND PROVIDE STAFF DIRECTION ON NEXT STEPS

EXECUTIVE SUMMARY

The purpose of this staff report is to provide Council with an update on the (1) negotiations with Wild Rivers, (2) the Tracy Unified School District (TUSD)/City transition plan for the 2015 aquatics programming at Pinkie Phillips Aquatics Center, and (3) the schedule for the Joe Wilson Pool reconstruction. Staff has developed two alternative approaches for Council consideration and discussion.

DISCUSSION

Over the course of the last two years, the City pursued a total aquatics solution that included three strategies to address the City's Aquatics needs. These strategies included modifying the Pinkie Phillips Aquatics Center (West High Pool), seeking a private public partnership, and reconstructing Joe Wilson Pool.

On March 18, 2014, Council directed staff to negotiate with Wild Rivers LLC (Wild Rivers) to develop a 20 acre aquatics center on the Ellis location. Subsequent to this decision, Council also directed staff to continue its discussions with the Tracy Unified School District (TUSD) on the use of Pinkie Phillips Aquatics Center given the TUSD Board of Trustees' decision to terminate its joint use agreement with the City. The City and TUSD have been developing a transition plan for the 2015 aquatic programming season.

Additionally, Council directed staff to identify alternative funding sources to rebuild the Joe Wilson Pool as part of the Fiscal Year 2014/15 Capital Improvement Program (CIP) discussion in May 2014. On August 19, 2014, Council approved a Professional Services Agreement with RJM Design Group Inc. for design and construction management services for the Joe Wilson Pool Renovation Project (CIP 78152).

The following sections of this report provide an update on the status of the negotiations with Wild Rivers, TUSD and 2015 aquatics programming discussions, and the Joe Wilson Pool Reconstruction project and anticipated timeline for completion.

Update on Wild Rivers Negotiations:

On September 17, 2013 and October 1, 2013, Council directed staff to begin negotiations with Wild Rivers and Surland Communities, respectively, for the development and operation of an aquatic center in the City of Tracy. Because the initial proposals submitted to the City by Wild Rivers and Surland Communities were very different projects in both scope and scale, a staff aquatics center team was assembled to develop and

implement a formal negotiation process to obtain more detailed information from each proposer. On November 20, 2013, a Proposer Questionnaire was developed and sent to each developer and requested specific project details, operational assumptions, and financials.

On March 18, 2014, staff presented Council with the one proposal received from Wild Rivers and Council directed staff to negotiate with Wild Rivers, which began in March. Earlier this summer, the President of Wild Rivers, Mike Riedel, communicated to staff that he had identified HKG Sports as Wild Rivers new financial partner. HKG Sports is a subsidiary of Hopkins Real Estate Group and Kirin Holdings International, headquartered in Southern California. Over the past several months, staff worked with Wild Rivers to compile demographic and other local/regional market information so HKG Sports could become better acquainted with the Northern California and Tracy market. As additional background information, Staff provided Wild Rivers and HKG Sports with a copy of the previous Aquatic Center Needs Assessment and Feasibility Study, which provided an overview of the swimming needs of Tracy, an evaluation of the market viability of an aquatic facility within the City of Tracy, estimated attendance and a projection of potential revenues, operating expenses and net operating income/loss.

In October, 2014, after reviewing the data, Wild Rivers' financial partner, HKG Sports, determined that the regional water park market in the Tracy area was highly speculative compared to the other regional water park markets. Wild Rivers proposed that the City commission a more detailed Market Feasibility and Financial Analysis Study to better understand the feasibility and revenue projections for the Tracy market, particularly as it relates to the maintenance of the 52 meter pool. The estimated cost of this study is \$25,000. Mr. Riedel indicated that, if the new feasibility information is positive, it may be the catalyst for HKG Sports to proceed with a project in Tracy. However, due to the speculative nature of the project, neither Wild Rivers nor HKG Sports are willing to contribute funding toward the Market Feasibility/Financial Analysis.

At this point, Wild Rivers is pursuing two other projects in Temecula, CA and in Houston, TX, both of which they will pursue before considering the Tracy project. Therefore, the City does not have a commitment from Wild Rivers to pursue a water park at this time.

Update on TUSD / City Transition Plan for 2015 Aquatics Programming at Pinkie Phillips Aquatics Center (West High Pool):

At the September 16, 2014 Council meeting, Council was notified of the TUSD Board of Trustees intent to terminate its pool facility use agreement with the City. On October 13, 2014, the City received the official termination letter, triggering the 180 day termination clause. The City and TUSD representatives have been actively exploring transition options to ensure minimal disruption to the 2015 summer aquatics programming.

TUSD is evaluating two key considerations for the use of the Pinkie Phillips Aquatics Center in 2015. These include (1) balancing the use needs of the various stakeholders (i.e. Kimball High aquatics programming needs, City programming via the YMCA's contract, Swim Team needs, and other renters) and (2) completing a Facility Fee Assessment to evaluate current rates.

The City is working with the YMCA, the City's aquatic program service provider, to submit a Use Facility Rental request to TUSD to assist in the aquatics programming planning process for Summer 2015. Staff anticipates that the TUSD fee study will be completed in Spring 2015, at which time staff will finalize the 2015 transition plan and present it to Council.

Finally, per the termination language in the joint use agreement, TUSD will pay the City a one-time amount of \$1,381,124 within the next 180 days. This amount will be deposited into the City's General Fund. Use of these funds will be discussed as part of the City's Fiscal Year 2015/16 budget discussion.

Update on Joe Wilson Pool Reconstruction:

Council approved a Professional Services Agreement with RJM Design Group Inc., for design and construction management services for the Joe Wilson Pool Renovation Project (CIP 78152) on August 19, 2014. The timeline for completion of the Joe Wilson Pool reconstruction was originally scheduled for Spring 2016. Since then, RJM Design Group and staff revised the timeline as follows:

DATE	MILESTONE	STATUS
10/02/14	Collect Site Survey information	Completed
10/07/14	Preliminary Design meeting with staff	Completed
10/22/14	1 st Public Workshop to receive input on preliminary design	Completed
11/06/14	2 nd Public Workshop @ Parks Commission	Scheduled
11/18/14	Design presented to City Council	Scheduled
01/06/15	Final City Council Approval w/ complete construction pkg	Scheduled
01/13/15	Invitation for Bids (IFB) Released	Scheduled
03/03/15	Award Contract	Scheduled
04/01/15	Begin Construction (5 months)	Scheduled
Aug 2015	Construction Complete	Scheduled
Labor Day 2015	Grand Opening	Planned

On October 22, 2014, staff and the Consultant conducted a public workshop to receive community feedback on the preliminary pool design options. Approximately 20 people attended the workshop. In general, comments and feedback were focused on topics such as parking, programming, depth of lesson pool, storage of equipment, and having enough shade for patrons. The next public design discussion is scheduled for the November 6, 2015 Parks Commission meeting. Staff anticipates that the complete design and construction package will be ready for bid in early January 2015; construction is expected to start in April 2015. Construction should take approximately five months to complete. While it is not possible to open the pool at the beginning of the 2015 summer season, it may be possible to open the pool by late summer. This revised schedule is six months than previously projected in order to complete construction in 2015.

Actions to Date and Additional Options for Council Consideration:

Over the years, the City has taken several actions to meet the community's aquatics needs. A summary of the actions to date is outlined below. Additionally, given the recent turn of events with TUSD and Wild Rivers, staff has also identified additional options for Council consideration moving forward.

Summary of Actions Taken to Date:

- Action 1: **Build a 52 Meter Competition Pool.** (Completed). In 2007, the City partnered with TUSD to jointly construct and operate a 52 meter competition pool in an effort to make an amenity available while sufficient funds were collected to build a family swim center in Tracy. The Pinkie Phillips Aquatics Center (West High Pool) was ultimately built by both the City and TUSD, leveraging existing resources for a joint partnership that resulted in a 75/25 split in both development and operations. The City had priority use of the pool in the summer (25%) and TUSD had priority use during the school year (75%)
- Action 2: **Develop a Family Swim Center at Ellis.** (On Hold). The City has developed design documents for an aquatics center at Ellis and developed funding models based on attendance/admittance fee assumptions. This option was pursued by staff in 2008-2010 resulting in 60% construction documents for a swim center. A report on cost recovery/general fund subsidy for operations and the phased development plan were presented to Council. Council placed this option on hold to pursue a private/public partnership and improve the Joe Wilson Pool (Options 2 and 3).
- Action 3: **Seek Private/Public Partnership to Develop an Aquatics Facility.** (Completed). When the cost recovery figures and attendance/admittance fee assumptions were presented for Option 1, the concept of a private partner was viewed as a potentially more fiscally sustainable approach for aquatics delivery. Staff worked on a potential public/private partnership for almost two years and with Wild Rivers specifically for more than a year to advance this option. This included negotiating with Surland for an additional four acres at Ellis to accommodate Wild Rivers' operational models. As previously stated, Wild Rivers/HKG Sports, is not interested in pursuing a public/private partnership at this time. Given this, staff has ceased negotiations with Surland for the 4 additional acres at Ellis.
- Action 4: **Improve Joe Wilson Pool and Re-Negotiate Joint Use Agreement with TUSD.** (In Progress). This option was undertaken simultaneously with Option 2 and resulted in a capital improvement project to reconstruct the Joe Wilson pool. This capital project is on track to open by Labor Day, 2015. The renovation of the Joe Wilson Pool addresses the recreational swim needs of Tracy residents and is not intended to address any additional competitive swim needs outside of the Competition Pool at West High. With regard to the Joint Use Agreement, Council was informed that the TUSD/City joint use agreement for the Pinkie Phillips Aquatics Center (West High Pool) is now terminated.

Additional Options for Council Consideration:

Over the years, the City has taken several actions to build and operate not only a swim center in Tracy, but also a number of other amenities in the community, such as, Legacy Fields, improvements to the Tracy Ballpark, and, among others, building and operating an aquatics center. In each of the discussions around construction of recreational amenities, the limited availability of funding to support ongoing operational needs has been identified as a significant challenge. In this instance of aquatics for example, even if the City were to construct a 52-meter competition pool, the City would need to find ways to absorb or offset an annual operating expense of more than \$600,000 per year.

Various funding mechanisms are available to municipalities to fund capital projects and address ongoing operational needs after the amenities are built. These include, but are not limited to voter-approved general obligation bonds which levy property taxes for the acquisition or improvement of real property and special tax measures. Examples of special tax measures may include an increase in sales tax or Transient Occupancy Tax (TOT), or the establishment of a parcel tax, a Utility Users Tax (UUT). In this context, Council can identify a single project to fund, or develop a funding strategy to build and operate a variety of recreational amenities as outlined in the Tracy Citywide Public Facilities Master Plan.

In addition to the previous approaches considered by the City, Council may wish to explore two additional alternatives related to the construction and operation of a competition pool or multiple recreational public facilities. The City's ability to support the ongoing operational costs of these proposed amenities continues to be an item of concern. The two options are described in detail below:

Alternative Approach 1: Use Existing Capital Funds to Build a 52-meter Competition Pool. Council could explore using funds from the existing Aquatics CIP to build a competition pool. Funding available in the Aquatics CIP as of September 15, 2016 will be approximately \$12.5 million as reflected in the table below:

AQUATICS CIP PROJECT	
FUNDING SOURCES	AMOUNT
General Projects Fund 301	\$1.9M
Development Impact Fee Revenue for Aquatics	\$2.5M
Surland Development Agreement swim Center Contribution to Date *	\$2M
SUBTOTAL:	\$6.4M
EXPENSES/TRANSFERS OUT	
General Projects Fund 301**	(\$1.9M)
TOTAL AQUATICS CIP FUNDING TO DATE:	\$4.5M
Remaining Surland Development Agreement swim center Contribution ***	\$8M
AQUATICS CIP AVAILABLE 9/15/16:	\$12.5M

* . Approximately \$2M of the \$10M Surland DA contribution was received on 9/15/14.
 **Per Council direction, \$1.9M was transferred to the Joe Wilson Pool CIP project.
 ***The remaining \$8M Surland DA contribution is scheduled to be received on 9/15/16.

This option would involve several steps, including development of a recommended site, identifying funding sources for ongoing operational costs, and adopting facility use fees for cost recovery purposes. The cost of construction for a 52 meter competition pool ranges from \$8 million to \$9 million, depending on the site selected.

Alternative Approach 2: **Identify Sustainable Options to Fund Multiple Recreational Amenities.** Council may wish to review the Citywide Public Facilities Master Plan and identify multiple recreational amenities to build and operate. This option would require the development of a funding strategy for associated capital and ongoing operational costs. Funding this option would likely involve a ballot measure that would require voter approval.

Depending on the option selected by Council, staff would develop a detailed project plan, including scope, timeframe, and funding strategies for one-time and ongoing operational costs for Council consideration.

STRATEGIC PLAN

This agenda item supports the Economic Development Strategic Plan goal of attracting retail and entertainment uses that offer resident's quality dining, shopping, and entertainment experiences, and specifically implements the following Action/Task:

Action/Task: 2.b.2: Outreach to developers and/or operators to determine if a market exists for the private development and operation of a regional waterpark in Tracy.

FISCAL IMPACT

There is no fiscal impact with exploring any of the two options presented to Council other than staff time.

RECOMMENDATION

Staff recommends City Council receive the status report on the (1) negotiations with Wild Rivers, (2) Pinkie Phillips Aquatics Center Transition Plan, and (3) Joe Wilson Pool Reconstruction Schedule and that Council provide direction on next steps.

Prepared by: Bill Dean, Development Services Assistant Director
Andrew Malik, Development Services Director
Ed Lovell, Management Analyst II
Maria A. Hurtado, Assistant City Manager

Reviewed by: Maria A. Hurtado, Assistant City Manager

Approved by: Troy Brown, City Manager